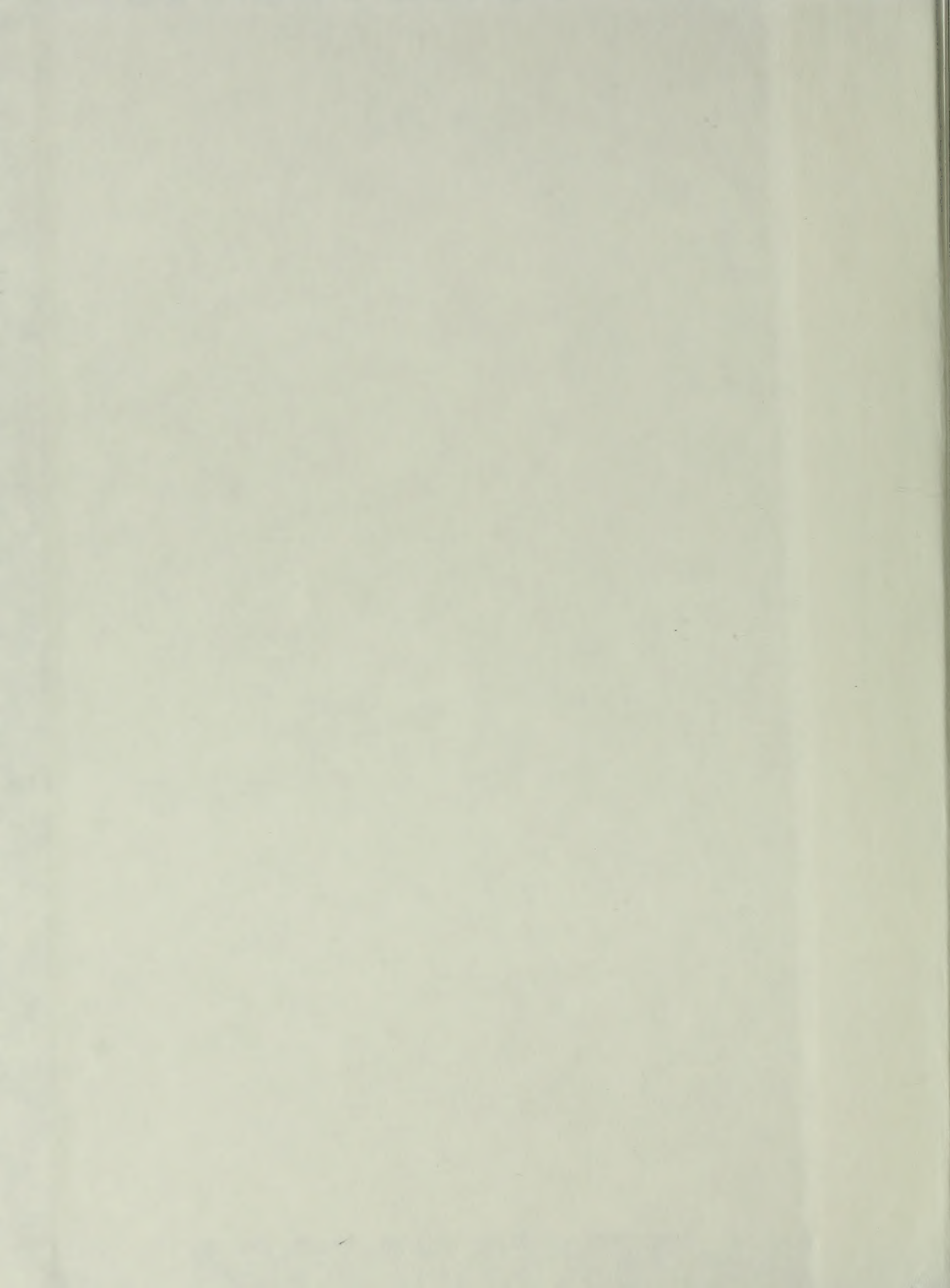


UMASS/AMHERST

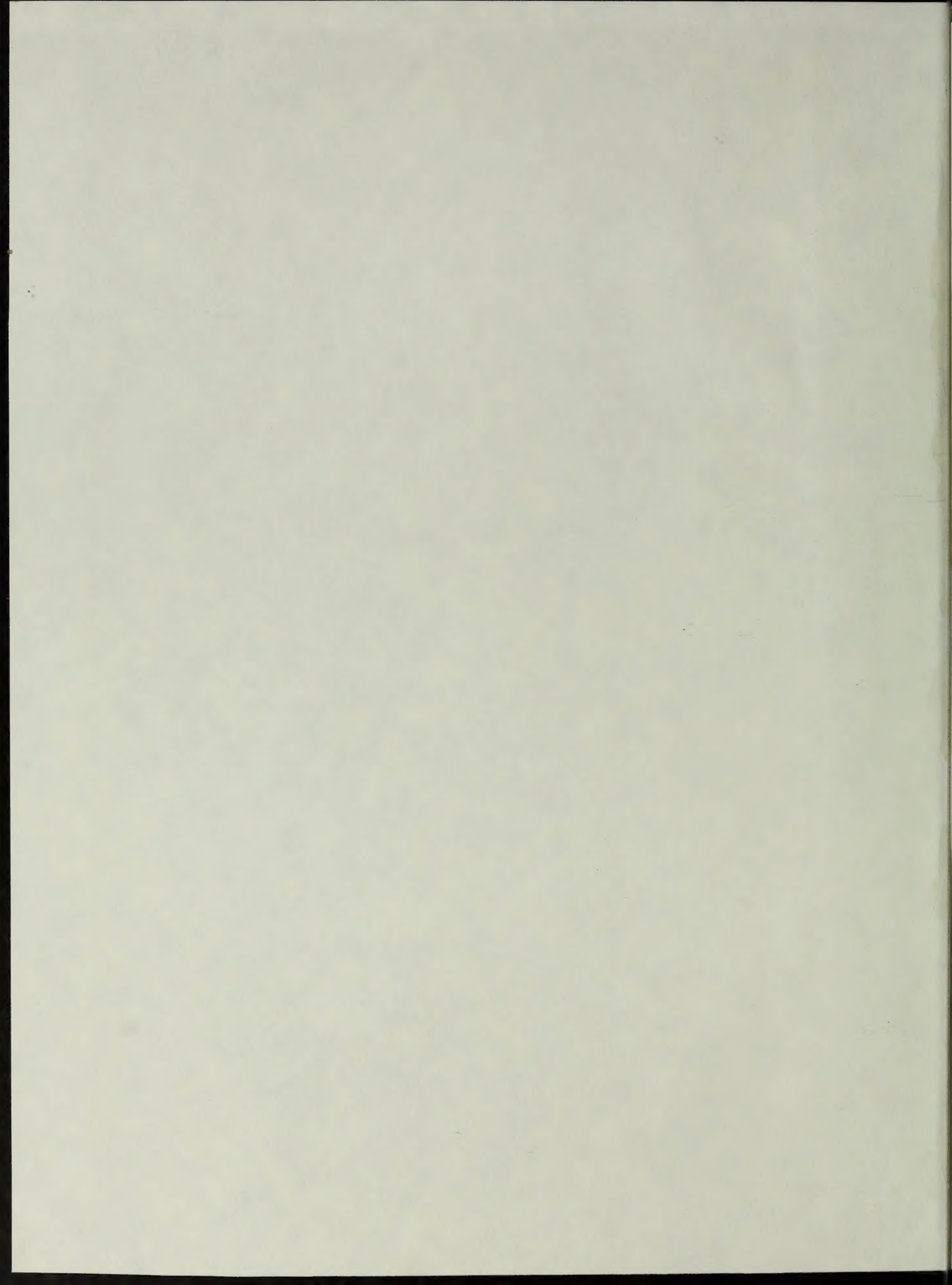


312066 0269 6092 2





Jacks: 1912-73

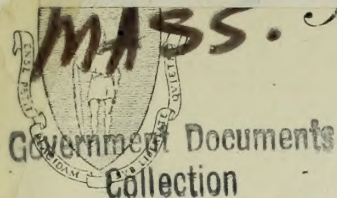




MASS MA 17.1: 967-968

979 Doc

Lachs:  
Massachusetts 1972-73



AUG 25 1970

University of Massachusetts

*Department of Labor and Industries*

*Board of Conciliation and Arbitration*

*State Office Building, Government Center*

*100 Cambridge Street, Boston 02202*

ANNUAL REPORT FOR THE FISCAL YEAR PERIOD  
OF JULY 1, 1967 through JUNE 30, 1968

Conciliation Cases:

Cases received during period-----	312
Cases pending June 30, 1967-----	29
Cases withdrawn or settled prior to conference-----	1
Cases pending June 30, 1968-----	19
Cases closed by conciliation-----	293
Cases transferred to Fact Finding (Ch. 763)-----	28

Arbitration Cases:

Cases received during the period-----	144
Cases pending June 30, 1967-----	36
Cases withdrawn or settled-----	25
Cases pending June 30, 1968-----	26
Cases held indefinitely-----	3
Cases closed by Board Awards-----	126

Work Stoppage Cases:

No. of Cases on file June 30, 1967-----	10
No. of Cases received during fiscal year-----	77
Cases adjusted during fiscal year-----	81
Cases pending June 30, 1968-----	6

Fact Finding Cases (Ch. 763)

Cases transferred from Conciliation to Fact Finding-----	36
Cases cancelled before Fact Finding hearing-----	62
Cases returned to Conciliation after Fact Finding hearing-----	1
Cases settled-----	14
Cases pending June 30, 1968-----	20
Cases withdrawn-----	1

Summary:

All cases on file June 30, 1967 pending-----	65
All cases received during fiscal year-----	456
Cases pending disposition June 30, 1968-----	45
Con. cases settled & Arb. cases withdrawn before servicing-----	26
Cases serviced by Board-----	450

ROBERT D. MORAN, CHAIRMAN



13-18

1. The first part of the paper is devoted to a general discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

2. The second part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

3. The third part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

4. The fourth part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

5. The fifth part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

6. The sixth part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.

7. The seventh part of the paper is devoted to a detailed discussion of the subject. It is divided into two main sections, the first of which is devoted to a general discussion of the subject, and the second to a more detailed discussion of the subject.



MASS. F. - Labor & Industries, Dept. of. ✓

MA 17.1: 968-969

ANNUAL REPORT

Government Documents  
Collection

SEP 16 1970

of

BOARD OF CONCILIATION AND ARBITRATION University of Massachusetts

July 1, 1968 -- June 30, 1969

The Board of Conciliation and Arbitration, a pioneer in the administrative field and one of the oldest boards mediating labor disputes in the United States, continues to uphold its nationwide reputation in promoting peace. The chief function of the Board is to promote industrial harmony and reduce industrial strife. The Board is required to (1) resolve through mediation all actual or threatened disputes between employers and their employees that occur within the Commonwealth; (2) to serve as an arbitration tribunal to which employers and labor organizations may refer grievances for arbitration; and (3) to administer the impasse-resolution procedures of the Municipal Employees Collective Bargaining Act (Ch 763, Acts of 1965). The Board also has power and authority to make an investigation in an industry in which as one of the steps the Board holds a public hearing at which the parties and their representatives are given an opportunity to testify under oath and present their side of the controversy. The Board later reports assigning the responsibility for the existence of the controversy or its continuance. Under the law it is the duty of the Board to make such investigation upon the request of the Governor.

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27

11-11: 928-27



Some of the industries availing themselves of the services of the Board are bakeries, breweries, building trades, fisheries, food distributors, foundries, furniture, gas and electric, paper mills, transportation and trucking and shoes.

With the advent of Chapter 763 of the Acts of 1965 the Board was mandated to handle breakdowns in disputes between municipal authorities and their employees.

The principal differences that the Board is asked to decide relate to discharges, holidays, hours, vacations, commissions, seniority, violations of contract, wages and working conditions together with negotiations prior to setting up or renewing a contract after certification.

Conciliation: This work has to do with the industrial relations between employer and employees to prevent, if possible labor controversies from arising or developing into a situation where there is a cessation of work, and if such an occasion occurs to endeavor to secure an adjustment of the differences and a resumption of work. In both instances this is done through personal conferences with the parties and their representatives both separately and jointly. In many instances these conferences are held in the locality where the difference occurs and very often extend over a considerable period of time and require attention beyond the usual working hours. When no adjustment is secured and the parties will not agree to arbitrate their





differences, the Board in some instances is called upon to investigate and secure the facts through a public hearing and otherwise and make a report placing the responsibility for the controversy and its continuance. The major part of the Board's mediation responsibilities are carried out by eight Industrial Relations Adjusters who once they are assigned a case set up and handle it through.

Arbitration: Upon written application of employer and employees, the Board is called upon to arbitrate their differences. A hearing is held before the three Associate Commissioners who constitute and are the Board, one representing Industry, one representing Employees, and the third a public member. If the parties request, or if the Board deems it necessary, after hearing the evidence, experts may be called upon to make an investigation of the work as performed. After the investigation is reported and after the hearing transcript is studied and discussed by the three Members, the Board will render a decision, which is binding upon both parties for six months. There are five Hearings Stenographers who take the verbatim notes in these arbitration hearings. All hearings are transcribed for reference by the Parties and for the Board's use in making their decision.

MUNICIPAL CONCILIATION: The duties of the Board of Conciliation and Arbitration through the past year have been





most exacting by reason of the disputes throughout the Commonwealth relative to municipal and professional employees. More controversies have arisen during the past year between these employees and cities and towns than ever in the history of this Board making more onerous the duties of the Board and necessitating day and night sessions in order to cope with the avalanche of work placed upon it. The results of mediation in this field have been remarkable. Upon request by one of the parties involved for Fact Finding the case is assigned to an Industrial Relations Adjuster who mediates with the parties in an effort to effect a settlement. When the Adjuster (Conciliator) decides that an impasse has been reached, he reports to the Chairman of the Board who submits a panel of three Fact Finders from which the parties attempt to mutually agree upon the choice of one within five days. Failing such choice the Board then appoints a Fact Finder to resolve the dispute. Upon completion of the case by the Fact Finder the Board is notified as to the success in mediating a solution or whether the findings of fact made by him were acceptable to the parties. In the past year the number of grievances coming to arbitration under this Chapter 763 have increased greatly.

All the functions of the Board of Conciliation and Arbitration necessitate that there be a close tie between the Board Members, the Conciliators, the Stenographers and the Clerical employees in order that the confidence imposed in the Board by both employer





and employee in submitting their disputes to this Board for mediation and arbitration be maintained. Mediation and Arbitration are not functions performed on a day by day basis, but rather continuing functions for as long as labor and management are in existence.

Besides the three Associate Commissioners the Board employs 8 Industrial Relations Adjusters who are in reality Mediators or Conciliators who handle all mediation cases for the Board; a number of hearings stenographers who take verbatim transcripts of hearings and who handle awards and decisions rendered by the Board in addition to stipulations and agreements reached by the parties through the aid of the Conciliator; a head clerk who is responsible for the clerical and budgetary controls of the functions of the Board.

Attached hereto is a statistical report of the current year on the functions of the Board.







# *The Commonwealth of Massachusetts*

## *Department of Labor and Industries*

### *Board of Conciliation and Arbitration*

*State Office Building, Government Center*

*100 Cambridge Street, Boston 02202*

#### ANNUAL REPORT FOR THE FISCAL YEAR PERIOD OF JULY 1, 1968 through JUNE 30, 1969

##### Conciliation Cases:

Cases received during period-----	276
Cases pending June 30, 1968-----	19
Cases withdrawn or settled prior to conference-----	2
Cases pending June 30, 1969-----	19
Cases closed by Conciliation-----	274

##### Municipal Conciliation & Fact Finding (Ch. 763):

Cases received under Chapter 763-----	111
Cases settled by Conciliation-----	53
Cases settled other than Conciliation-----	12
Panel assigned-----	25
Fact Finder appointed-----	24
Cases pending under Municipal Conciliation (June 30, 1969)-----	21
Cases pending under Fact Finding (June 30, 1969)-----	19

##### Arbitration Cases:

Cases received during the period-----	109
Cases pending June 30, 1968-----	26
Cases withdrawn or settled-----	24
Cases pending June 30, 1969-----	19
Cases held indefinitely-----	1
Cases closed by Board Awards-----	91

##### Work Stoppage Cases:

No. of Cases on file June 30, 1968-----	6
No. of Cases received during fiscal year-----	75
Cases adjusted during fiscal year-----	76
Cases pending June 30, 1969-----	5

##### Summary:

All cases on file June 30, 1968 pending-----	65
All cases received during fiscal year-----	496
Cases pending disposition June 30, 1969-----	78
Con. cases settled & Arb. cases withdrawn before servicing-----	27
Cases serviced by Board-----	456

George M. Romanos, Jr.  
Chairman





## FUNCTIONAL CHART

### As Board of Arbitration

Arbitrate when petitioned by both parties.

### As Board of Conciliation

In case of strike or dispute, or under provisions of Chapter 763.

### As Board of Conciliation and Arbitration

Hear appeals from pre-determined rates set by Commissioner

Normality: Upon request of a struck company, determine when normal business is resumed.

Place Blame: Upon petition of either party to a strike, determine which party is to blame.

Fact Finding: Under Chapter 763 initiate Fact Finding procedure.





BOARD OF CONCILIATION AND ARBITRATION

PERSONNEL

George M. Romanos, Jr., Commissioner and Chairman  
Fred Emerson, Commissioner  
John F. Roman, Commissioner

Douglas Botte, Industrial Relations Adjuster  
Anthony Braica, Industrial Relations Adjuster  
Robert A. Browning, Industrial Relations Adjuster  
Joseph P. Curran, Industrial Relations Adjuster  
Brendan I. Dalton, Industrial Relations Adjuster  
William G. Doherty, Industrial Relations Adjuster  
James Fay, Industrial Relations Adjuster  
David M. Grodsky, Industrial Relations Adjuster

Eleanor F. Aylward, Hearings Stenographer  
Stephanie Bassett, Hearings Stenographer  
Irene McGinn, Hearings Stenographer  
Kathleen Skibinski, Hearings Stenographer

Lillian Uretsky, Head Clerk

Michele Bonanno, Senior Clerk and Stenographer





MASS. H. F. - *Howe Industries, Dept. of*

MA 17.1: 969-970

ANNUAL REPORT

of

BOARD OF CONCILIATION & ARBITRATION

July 1, 1969 -- June 30, 1970

The Commonwealth of Massachusetts was the first state to establish a permanent board of conciliation and arbitration. The Board, which is known as the Board of Conciliation and Arbitration, has from the first consisted of three members; one a representative of labor, one a representative of industry, and the third commonly referred to as the public representative. The establishment of the Board came as a result of study and investigation and in the furtherance of the progressive policy of the Commonwealth to foster and encourage industrial advancement and at the same time afford assistance and protection to those engaged therein.

The Board was established in 1886 and for the first year was not authorized to intervene in labor controversies except upon the written request of either employer or employee. The following year, however, the law was amended and the Board was given not only such authority but also the duty of investigating threatened as well as existing labor controversies. The Original Act also gave authority to the Board, upon written application of employer and employees to arbitrate the differences presented. By a later amendment the parties to such application were authorized to nominate experts to

Government Form  
Collection  
OCT 26 1970  
University of Massachusetts





assist and aid in gathering information and to give the Board the benefit of their knowledge and experience.

These experts are sworn and paid by the state and serve under the jurisdiction and direction of the Board.

The law of the Commonwealth has been a model for many states and it has stood the test of time as amply demonstrated by the results accomplished. During its years of existence the Board has been an active and efficient agency, not only in aiding the parties in labor controversies to adjust their differences amicably but also in preventing, through its advice and suggestion such controversies from arising.

In the work of conciliation during the past year, the activities of the Board members and the Labor Relations Adjusters have brought them in contact with the employers and employees in many and varied lines of industry and with varied groups of professionals. The majority of the controversies were amicably settled or referred to arbitration without any cessation of work. Even when there was a stoppage it was for a very short duration, with very few exceptions. Many night sessions were held during the year and the Board has been called upon again and again for advice and suggestions in regard to differences arising between employers and employees. It has also aided in drafting agreements. The Board, through





its Industrial Relations Adjusters investigated and acted in approximately two hundred and eight-five cases.

In the field of Arbitration the decisions rendered by the Board covered many hundreds of items and in addition to settling the issues presented to it by the parties, jointly, for arbitration have given the parties faith and confidence in this fair and equitable means of settling industrial as well as municipal disputes. The Board has been called upon to make rulings concerning the application of decisions. Although arbitration is not by law compulsory, yet in an sense it is. Efforts at conciliation are mandatory, so it is compulsory to at least try to agree. Many Employers and Employees have standing agreements to submit disputes to arbitration, therefore it becomes compulsory although the compulsion is imposed by the parties themselves.

The trend is toward more conciliation cases, with less necessity for arbitration.

Finally, it is compulsory for the Board to investigate and place blame when all else fails.

With the advent of Chapter 763 of the Acts of 1965 the Board was mandated to handle breakdowns between municipal authorities and their employees. The results of mediation in this field have been remarkable necessitating day and

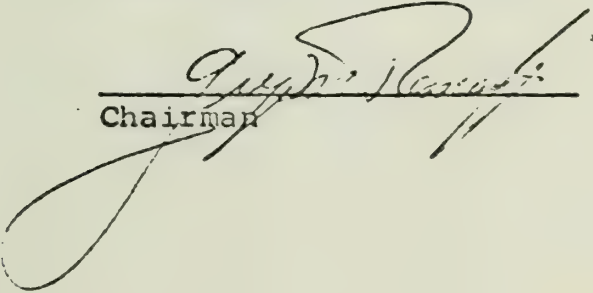


night sessions. Failing settlement by mediation through the Board's Industrial Relations Adjusters, the Board submits a panel of three to the parties for the selection of a Fact Finder to investigate and present his findings. If the Parties cannot agree on a Fact Finder, the Board appoints one, who in turn reports to the Board his findings the acceptance or rejection of same.

The personnel of the Board must be in harmony with both Management and Industry as well as Municipal Authorities and their employees in order to promote settlements. There must be a close tie between the members of the Board and the personnel in order that the confidence placed in the Board in submitting their disputes to the Board for mediation and arbitration be maintained. These functions are not performed on a daily basis but on a continuing program.

Attached hereto is a statistical report of the current fiscal year on the functions of the Board.

Respectfully Submitted:

  
Chairman





## FUNCTIONAL CHART

### As Board of Arbitration:

Arbitrate when petitioned by both Parties

### As Board of Conciliation:

In case of strike or dispute, or under provisions of Chapter 763.

### As Board of Conciliation and Arbitration:

Hear Appeals from pre-determined rates set by Commissioner

Normality: Upon request of a struck company, determine when normal business is resumed.

Place Blame: Upon petition of either party to a strike, determine which party is to blame.

Fact Finding: Under Chapter 763 initiate Fact Finding Procedure.







*The Commonwealth of Massachusetts*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*

*State Office Building, Government Center*  
*100 Cambridge Street, Boston 02202*

**ANNUAL REPORT FOR THE FISCAL YEAR PERIOD**  
**OF JULY 1, 1969 through JUNE 30, 1970**

**Arbitration:**

Cases Pending 6/30/69-----	21
Cases Received during Fiscal Year-----	152
Cases Withdrawn or Settled -----	32
Cases Closed other than Awards-----	4
Cases Closed by Board Awards-----	116
Cases Pending June 30, 1970 -----	15

**Conciliation:**

Cases Pending June 30, 1969-----	20
Cases Received during Fiscal Year-----	270
Cases Settled or Withdrawn-----	0
Cases Settled by Conciliation-----	285
Cases Pending June 30, 1970-----	5

**Municipal Conciliation:**

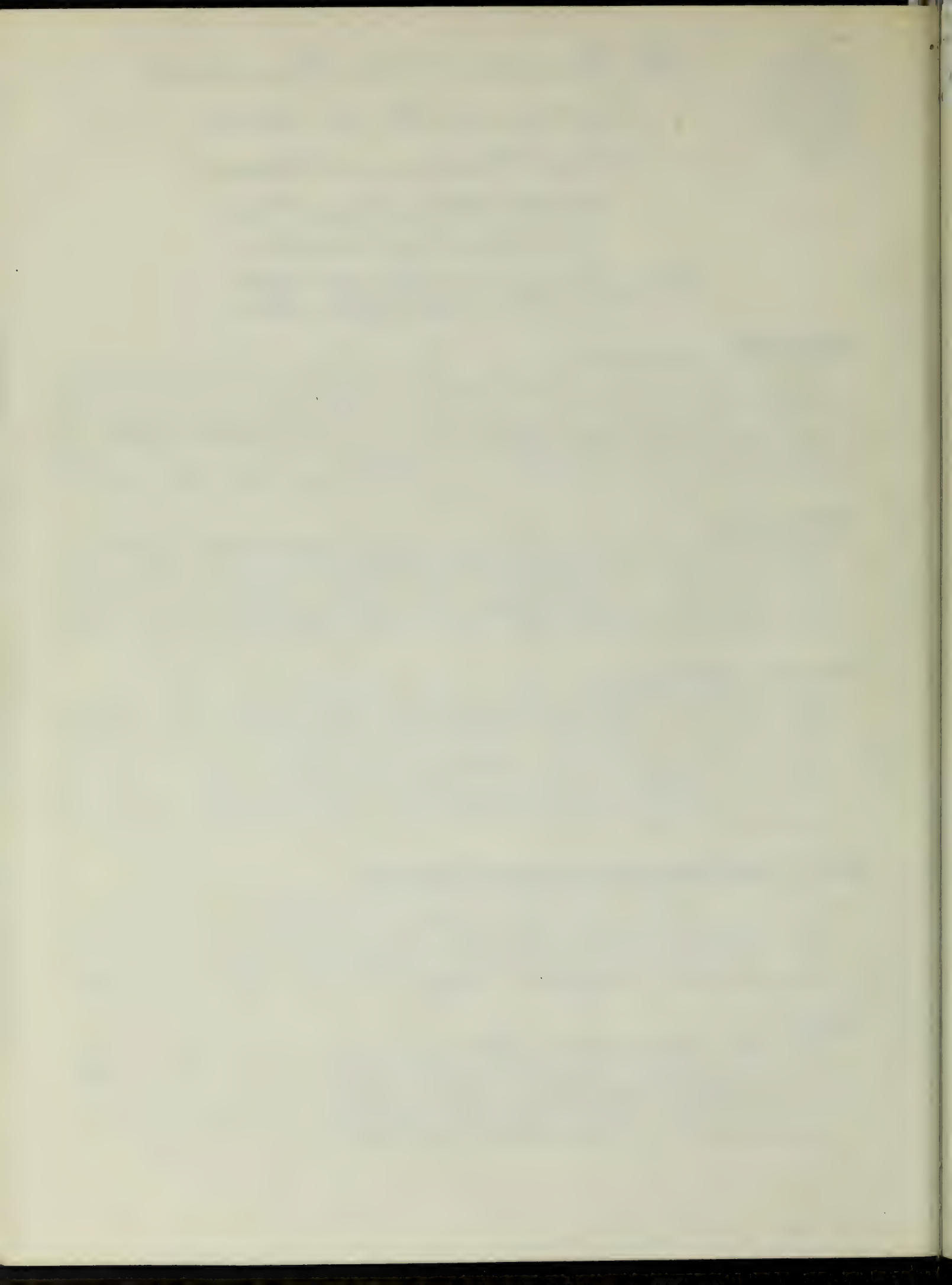
Cases Pending June 30, 1969-----	21
Cases Received during Fiscal Year-----	165
Cases Closed by Mediation-----	124
Cases Transferred to Fact Finding-----	42
Cases Transferred to Labor Relations-----	4
Cases Transferred to Arbitration-----	3
Cases Pending June 30, 1970-----	13

**Work Stoppage Cases (incl in above figures):**

Cases on File June 30, 1969-----	5
Cases Originating during Fiscal Year-----	70
Cases Adjusted during Fiscal Year-----	70
Cases Pending June 30, 1970-----	5
Average Number of Employees Involved-----	265

**Summary:**

All Cases Pending June 30, 1969-----	62
All Cases Received during Fiscal Year-----	587
Cases Pending Disposition on June 30, 1970-----	33
Cases Settled or Withdrawn before Processing-----	42
Cases Serviced by Board during Fiscal Year-----	574



MASS.

MA 17.1:970-

971

*The Commonwealth of Massachusetts*

*Department of Labor and Industries*

*Board of Conciliation and Arbitration*

*State Office Building, Government Center*

*100 Cambridge Street, Boston 02202*

ANNUAL REPORT FOR THE FISCAL PERIOD OF  
JULY 1, 1970 through JUNE 30, 1971

Arbitration

Cases Pending 6/30/70-----	15
Cases Received during Fiscal Year-----	148
Cases Withdrawn or Settled-----	30
Cases Closed other than Awards-----	0
Cases Closed by Board Awards-----	97
Cases Pending June 30, 1971-----	31

Conciliation

Cases Pending 6/30/70-----	5
Cases Received during Fiscal Year-----	217
Cases Withdrawn or Settled-----	0
Cases Settled by Conciliation-----	213
Cases Pending June 30, 1971-----	9

Municipal Conciliation (Chapter 763)

Cases Pending June 30, 1970-----	13
Cases Received during Fiscal Year-----	240
Cases Transferred to Fact Finder-----	93
Cases Transferred to Labor Relations-----	5
Cases Closed by Mediation-----	109
Cases Pending June 30, 1971-----	46

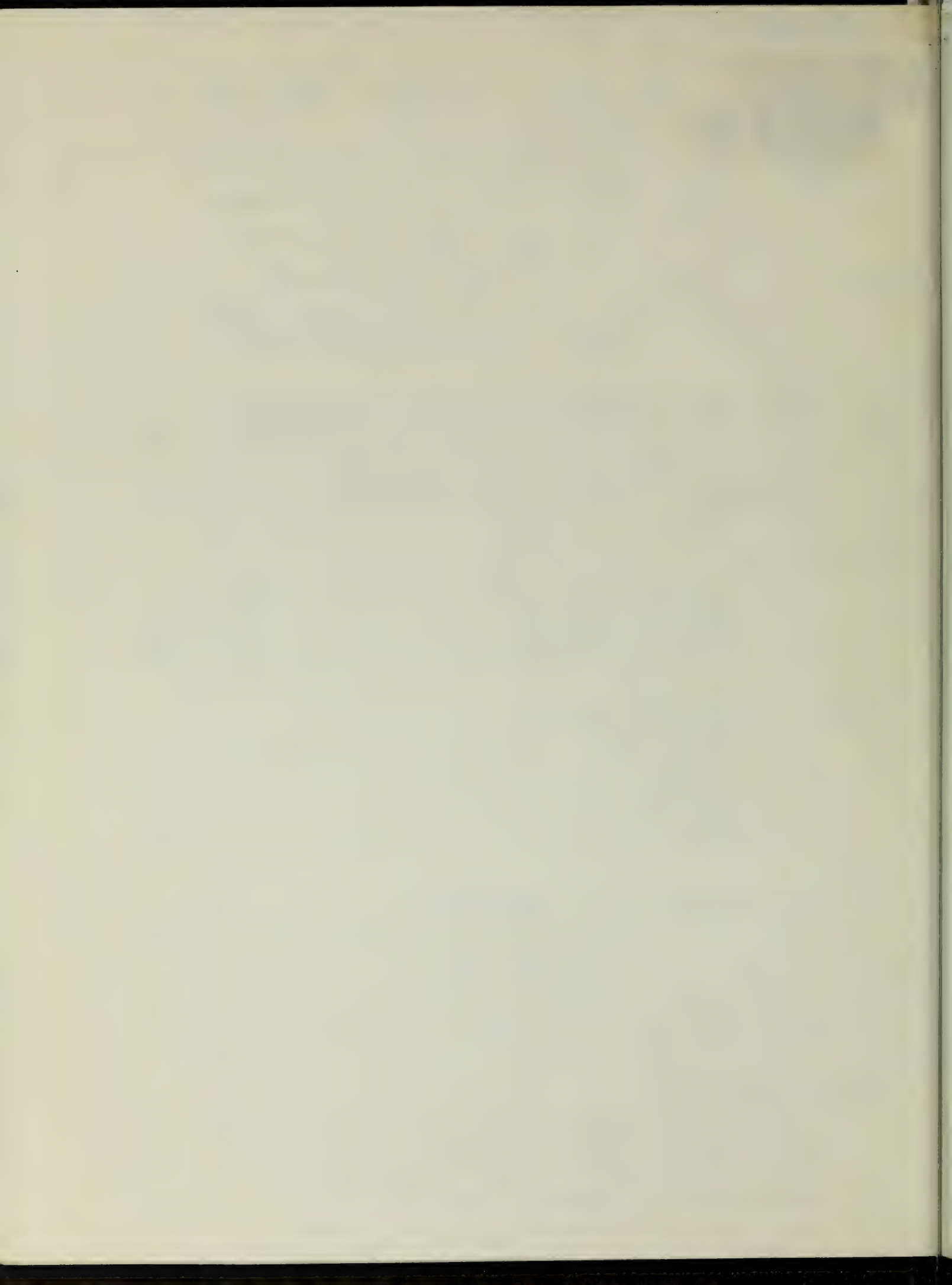
Fact Finding (From Municipal Conciliation)

Cases Pending June 30, 1970-----	11
Cases Received from Municipal Conciliation-----	93
Cases Withdrawn after appt. FF-----	1
Cases Transferred to Arbitration-----	1
Cases Settled by Parties-----	21
Cases Reported by Fact Finder-----	38
Cases Pending June 30, 1971-----	43

Work Stoppage Cases:

Cases on File June 30, 1970-----	5
Cases Originating during Fiscal Yr.-----	61
Cases Adjusted during Fiscal Year-----	62
Cases on File June 30, 1971-----	4
Average Number of Employees Involved-----	184





Page 2 Statistical Report

SUMMARY:

All Cases Pending June 30, 1970-----	33
All Cases Received during Fiscal Year-----	700
Cases Settled or Withdrawn before Processing-----	30
Cases Pending Disposition on June 30, 1971-----	86
Cases Serviced by the Board during Fiscal Year-----	617

Fact Finding and Work Stoppage Cases are not included separately in summary figures because they are already included in either Municipal Conciliation, Arbitration or Conciliation figures.







*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*

*Leventhal Saltonstall Building, Government Center*

*100 Cambridge Street, Boston, 02202*

*U OF MASSACHUSETTS LIBRARY*

ANNUAL REPORT

OF

BOARD OF CONCILIATION AND ARBITRATION

July 1, 1974 - June 30, 1975

The Board of Conciliation and Arbitration administers procedures for resolving collective bargaining impasses under the new public employee collective bargaining law. These procedures comprise mediation, fact-finding, and interest arbitration. The Board also administers a grievance arbitration program which is designed to resolve both public sector and private sector disputes arising during the life of a collective bargaining agreement.

MEDIATION

After a reasonable period of negotiation, the parties acting individually or jointly may petition the Board for the determination of an impasse and the initiation of mediation. A staff mediator will promptly investigate the dispute and make recommendations to the Board which determines whether an impasse exists.



Once an impasse is found, a staff mediator, usually the same person who investigated the impasse, may meet with the parties for a period of up to 20 days in an effort to assist the parties in reaching agreement. If the dispute survives the best efforts of the mediator, the mediator will recommend to the Board that the case be certified to fact-finding when either or both parties have requested fact-finding.

#### FACT-FINDING

A fact-finder will generally be selected from a list of fact-finders sent to the parties from the Board. In the event that the parties cannot agree, the Board will appoint a fact-finder. The fact-finder's primary responsibility is to preside at fact-finding hearings and issue a written report with recommendations for resolving all the issues in dispute. The fact-finder also has the authority to mediate the dispute at the request of both parties.

At the fact-finding hearing each party is afforded an opportunity to present evidence relevant to the case. At the close of the hearing each party has the right to make an oral argument as well as to file a brief with the fact-finder arguing its position.

Within 30 days from the date of his or her appointment, the fact-finder must submit a written report to the parties and to the Board. The report serves to summarize the facts which have been found and it makes recommendations for the settlement of each and every item in dispute. The recommendations are advisory only and do not bind the





parties. The report becomes a public document 10 days after its receipt by the Board. If the report does not serve to resolve all the issues, then the unresolved issues go back to the parties for further bargaining.

#### INTEREST ARBITRATION

There are two types of interest arbitration authorized by the bargaining law. One type, which might be referred to as voluntary arbitration, authorizes employer and employee organizations to enter into arbitration of contract impasse issues provided they both agree to do so and binds the local legislative body only in those cases where the local legislative body has agreed in advance to be bound by the arbitrator's award. In voluntary arbitration the parties may agree upon any form of arbitration that suits their interest.

The other type of interest arbitration which might be referred to as compulsory arbitration, authorizes firefighter and police unions to carry contract impasse issues to arbitration even if the employer does not agree to arbitrate. The result of this arbitration is binding on all the parties as well as the local legislative body. There is a difference in the scope of issues that may be carried by compulsory arbitration by police and firefighter unions. The scope of arbitration is more limited for police in that the police may not arbitrate issues involving the employer's right to appoint, promote, assign and transfer employees. Also, if police and firefighters unions engage in compulsory arbitration it is limited to what is known as "final offer arbitration."





In order to initiate "final offer arbitration" an employee organization must fill out and send to the employer and to the Board, a petition to initiate such arbitration. Upon receipt of the petition, the Board must determine that four prerequisites to "final offer arbitration" have been met. These are:

- 1) The procedures outlined in Section 9, of the Article; namely, negotiation impasse certification, mediation, and fact-finding have been exhausted;
- 2) Thirty days must have elapsed since the date of publication of the fact-finder's report;
- 3) An impasse continues to exist;
- 4) Any complaints of prohibited practices which were filed prior to the date of the fact-finder's report before the Labor Relations Commission have been adjudicated.

After the Board has investigated the four preconditions listed above, it notifies the parties by letter to the effect that all conditions are satisfied, or that one or more prerequisites have not been met. In either event, the parties have 10 days from the date of the Board's letter to file written objections.

The parties have 14 days from the date of the Board's official approval of the final offer petition in which to select and notify the Board of the identity of the three-member panel. If the parties are unsuccessful in completing the panel the Board may intervene and appoint the necessary arbitrators. With regard to the neutral number of the arbitration panel, the Board's practice is to try to obtain agreement between the parties before it appoints.



Once the arbitration panel is designated, the Chairman is obliged to immediately schedule a hearing to be held within a week's time.

The arbitrators are in complete charge of the informal hearing. They have sole discretion as to who or what shall be admitted or excluded at the hearing.

The panel has 40 days from the commencement of the hearing within which to take all the necessary evidence and conclude the proceedings. The panel weighs the testimony according to the clear guidelines provided by law. Factors which must be considered are:

- 1) The financial ability of the municipality to meet costs.
- 2) The interests and welfare of the public.
- 3) The hazards of employment; physical, educational and mental qualifications; job training; and skills involved.
- 4) A comparison of wages, hours, and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public and private employment in comparable communities.
- 5) The decisions and recommendations of the fact-finder.
- 6) The average consumer prices for goods and services, commonly known as the cost of living.
- 7) The overall compensation presently received by the employees, including direct wages and fringe benefits.
- 8) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.





9) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration, or otherwise between the parties, in the public service or in private employment.

10) The stipulation of the parties. At the conclusion of the hearing, when both parties have offered their evidence and heard the testimony, each party submits its last best offer on each issue in dispute. At the point of submission each party is given the opportunity to make a final oral or written argument to support its last best offer.

If the parties resolve all the issues in dispute prior to the panel's award, they may jointly make a written request to terminate the proceedings, or, if the Chairman of the panel sees possible benefit in further bargaining with or without mediation, he or she may remand the dispute for that purpose for a period of up to three weeks.

Within 10 days of presentation of final offer, the majority of the panel must select the final offer of one party or other as the award.

The award is binding on both parties and upon the appropriate legislative body.

#### GRIEVANCE ARBITRATION

Grievance arbitration differs from the other functions discussed in that mediation, fact-finding, interest arbitration deal with the negotiation of a contract while grievance arbitration deals with a contract already negotiated.





Despite the best efforts of all parties involved in the drafting of a contract, situations arise which require an arbitrator's interpretation of contract provisions.

When a dispute arises as to the interpretation or application of a collective bargaining agreement, either an employer or a labor organization, or both may petition the Board for a hearing.

The arbitration hearing is held before the three Associate Commissioners of the Board. The Commissioners meet in Executive session and decide each case by majority vote. One Commissioner then writes the "award and opinion," which provides a statement of the rationale by which the result was reached.

Attached hereto is a statistical report of the current fiscal year on the functions of the Board.

Respectfully submitted,

*Roberta L. Golick*

Roberta L. Golick  
General Counsel



ANNUAL REPORT FOR THE FISCAL PERIOD OF  
July 1, 1974 THROUGH June 30, 1975

I/ GRIEVANCE ARBITRATION

Cases pending 6/30/74	17	
Cases received during fiscal yr.	<u>173</u>	
Tot. Arbitration docket for fiscal Yr.		190
Cases withdrawn or settled	58	
Cases closed by awards	60	
Cases pending 6/30/75	52	

II/ PRIVATE CONCILIATION

Cases pending 6/30/74	4	
Cases received during fiscal yr.	<u>111</u>	
Tot. Conciliation docket for fiscal yr.		115
Cases settled by conciliation	87	
cases pending 6/30/75	28	





111/ PUBLIC SECTOR IMPASSE RESOLUTION

Police & Fire Cases pending 6/30/74	21	
Public Sector Cases pending 6/30/74	<u>10</u>	
Total Public Sector caseload pending 6/30/74		31
New Police & Fire cases during fiscal yr.	143	
New Public Sector cases during fiscal yr.	<u>251</u>	
Total new Public Sector caseload		394
Police & Fire caseload during fiscal year	164	
Public Sector caseload during fiscal year	<u>261</u>	
Total Public Sector caseload during fiscal yr.		425

A. MEDIATION

Police and Fire cases settled by mediation	43	
Public Sector cases settled by mediation	<u>130</u>	
Total Public Sector caseload settled by med.		173
Police and Fire cases pending in med. 6/30/75	19	
Public Sector cases pending in med. 6/30/75	70	
Tot. Public Sector caseload pending in mediation		89



## FACT FINDING

Police & Fire cases transferred to factfinding during fiscal yr.	102
Public Sector cases transferred to factfinding during fiscal yr.	<u>61</u>
Total Public Sector caseload transferred to factfinding during fiscal year	163

## 3. FINAL OFFER ARBITRATION

Police & Fire cases which entered final offer arbitration during fiscal yr.	25
--	----

## IV. REFERRAL ARBITRATION

Cases pending 6/30/74	1
Cases received during fiscal year	<u>27</u>
Total caseload during fiscal year	31
Cases settled or withdrawn	7
Awards received	15
Cases pending 6/30/75	<u>9</u>







*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

ANNUAL REPORT OF THE  
MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

The Massachusetts Board of Conciliation and Arbitration has the responsibility for administering procedures for resolving collective bargaining impasses under the State Collective Bargaining Law and provides a mediation service and a grievance procedure for private industry within the Commonwealth. In the public sector, the Board's procedures comprise mediation, fact-finding, interest arbitration and grievance arbitration. In the private sector the procedures comprise mediation and grievance arbitration.

The Board is composed of three Associate Commissioners, one representing labor, one management and one sitting as the neutral member.

It is the duty of the Commissioners to hear arbitration cases which arise during the life of collective bargaining agreements in both the public and private sectors. In addition to the Commissioners, the Board maintains Counsel, a staff of full time mediators and a support staff.

GOVERNMENT DOCUMENTS  
COLLECTION

JUL 22 1980

University of Massachusetts

Depository Copy

\*\*\*\*\*



BOARD OF CONCILIATION AND ARBITRATION

MEDIATION AND FACTFINDING

CASE DISPOSITIONS

<u>PUBLIC SECTOR</u>	1976	<u>FISCAL</u>	1977
Settled in Mediation	221		248
Still in Mediation	0		0
In factfinding	0		0
Settled During Factfinding	37		36
Settled After Factfinding	18		23
Negotiating after Factfinding	0		0
	<hr/>		<hr/>
<u>TOTAL</u>	276		307

<u>POLICE /FIRE</u>	1976	<u>FISCAL</u>	1977
Settled in Mediation	45		56
Still in Mediation	0		0
In factfinding	0		7
Settled During Factfinding	21		14
Settled After Factfinding	23		26
Negotiating after Factfinding	30		7
Petitioned for Final Offer	30		51
	<hr/>		<hr/>
<u>TOTAL</u>	119		161





FISCAL YEAR 1976

Total Cases Received	160
Cases Withdrawn or Settled	54
Cases Closed Other Than By Formal Award	2
To:   AAA           2	
Awards Rendered	54
Total FY 1976 Cases Pending at Close of FY 1976	50
Total FY 76 Cases Disposed of in FY 1976	110
-   -   -   -   -   -	
FY 75 Cases: Pending at Beginning of FY 1976	49
FY 75 Cases: Settled or Withdrawn in FY 1976	17
FY 75 Cases: Awards in FY 1976	26
FY 75 Cases: Pending at Close of FY 76	6
-   -   -   -   -   -	
Total Cases on Docket During FY 76	209
Total Cases Disposed of in 1976	153



ARA FOOD SERVICES	74
AGAWAM	70
ALDEN CORROGATED CONTAINER CORP.	63, 73
AIRWAYS TRANSPORTATION CO.	26
ATHOL	20, 24
BILLERICA	78
BRANDEIS UNIVERSITY	71
CARLING BREWING CO.	21, 57
CHECKER TAXI CO.	48
CLIQUOT CLUB	76
COCA COLA BOTTLING CO. INC.	15
CORENCO CORP.	64, 77
COSTA FRUIT CO.	60
CRAY BURKE CO. INC.	34
D.W. WHITE TRUCKING CO. INC.	68
DANVERS	16, 30
DANNON MILK PRODUCTS	29
EAST BRIDGEWATER	51
EAST LONG MEADOW	28
FALL RIVER	44, 45, 46
FAIMOUTH CONCRETE AND BUILDING SUPPLIERS INC.	12
FOREST HILLS CEMETARY	80
FRIONOR KITCHENS	54, 62
GAS INC.	37, 38, 39, 40
GREATER LAWRENCE REGIONAL VOC. TECH. H.S.	50
JOHN E. CAIN CO.	49
JONES AND VINING CO.	67





JOSEPH ARRUDA CONSTRUCTION CO.	36
KASANOF'S BAKING CO.	65
KENZOA VENDING CO.	11, 17
LAMBETH CORP.	66
LEEWOOD CORP.	42
LILY TRANSPORT LINES	59
LOWELL	47
LOWELL GAS CO.	5
MARBLE MOTORS CO.	18
MARITIME TERMINAL INC.	7, 8
MARLBORO	1
MICHIGAN ABRASIVE CO. INC.	32
MIDDLEBORO REDI-MIX d/b/a REMCO CONCRETE	79
NASHOBA VALLEY	2
NEW BEDFORD	33
NEWBURYPORT	69
NORWOOD	53
PROLERIZED N.E. CO.	25, 72
ROHTSTEIN CO.	52
SARDI'S	3
SHIAVONE AND SONS, INC.	58
SOBIN CHEMICALS INC.	75
SPAULDING/DIV. OF QUESTOR	41, 61
SWANSEA CONCRETE CO.	12
TABLE TALK INC.	23, 35
TECHNICAL IMPEX CORP.	27
TURNINGREN/SPINRAFT DIV. OF STANDARD	14, 31, 56



WALPOLE	43
WALTHAM HAMPDEN GRINDING WHEEL CO. INC.	9
WEST SPRINGFIELD	22
WHITNEY BROS.	19
WITT ARMSTRONG EQUIP CO.	4, 6
WORCESTER	55







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

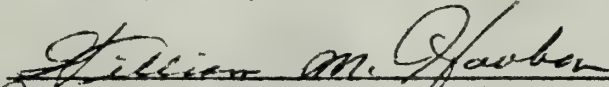
July 3, 1975

*In the matter of the joint application for arbitration of a controversy between*  
CITY OF MARLBORO, D.P.W. and CEMETERY COMMISSION, Employer  
and  
LOCAL RI 219 N.A.G.E., Union ARB. 118 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE CITY OF MARLBORO DID NOT VIOLATE  
THE COLLECTIVE BARGAINING AGREEMENT  
IN EFFECT BETWEEN THE PARTIES BY NOT  
CALLING IN TO WORK ON 12/25/74 THE  
GRIEVANT, ARTHUR LAMBERT. THE GRIEVANCE  
IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

July 9, 1975

*In the matter of the joint application for arbitration of a controversy between*

NASHOBA VALLEY TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE

and

NASHOBA VALLEY TECHNICAL HIGH SCHOOL TEACHERS ASSOCIATION

ARB. 96-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE NASHOBA VALLEY TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE DID NOT VIOLATE THE COLLECTIVE BARGAINING AGREEMENT IN EFFECT BETWEEN THE PARTIES BY FAILING TO PAY A TUITION REIMBURSEMENT FOR A COURSE OF STUDY TAKEN BY THE GRIEVANT, BRADFORD KINNE, IN THE SUMMER OF 1973. THE GRIEVANCE IS DENIED."

BY THE BOARD:

*William M. Hooben*

William M. Hooben Associate Commissioner

*John H. Donegan*

John H. Donegan Associate Commissioner







**The Commonwealth of Massachusetts**  
**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** July 22, 1975

*In the matter of the joint application for arbitration of a controversy between*

**SARDI'S**  
and

**LOCAL 116 BARTENDERS, HOTEL, MOTEL, CAFETERIA AND RESTAURANT**  
**EMPLOYEES INTERNATIONAL UNION AFL-CIO (Arb. 166-1975)**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE EMPLOYER, SARDI'S, DID VIOLATE THE COLLECTIVE BARGAINING AGREEMENT IN EFFECT BETWEEN THE PARTIES BY ITS FAILURE TO MAKE PROPER PAYMENTS TO THE HEALTH AND WELFARE FUND OF LOCAL 116 IN ACCORDANCE WITH SAID CONTRACT. THE BOARD HEREBY DIRECTS THE EMPLOYER TO PAY THE SUM OF \$527.21 REPRESENTING THE APPROPRIATE HEALTH AND WELFARE CONTRIBUTIONS DUE FOR THE PERIOD OF SEPTEMBER 1, 1974 THROUGH JULY 1, 1975."

BY THE BOARD:

*William M. Hooben*  
William M. Hooben, Associate Comm.

*John H. Donegan*  
John H. Donegan, Associate Comm.





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

July 24, 1975

*In the matter of the joint application for arbitration of a controversy between*

WITT ARMSTRONG EQUIPMENT CO.,

AND

INTERNATIONAL ASSOC. OF MACHINISTS  
& AEROSPACE WORKERS AFL-CIO

Arb. 146 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The layoff of George Coelho on April 7, 1975 by the Company was not a violation of the collective bargaining contract. The grievance is denied.

BY THE BOARD:

*William M. Hooben*

William M. Hooben, Assoc. Commissioner

*John H. Donegan*

John H. Donegan, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON July 29, 1975

*In the matter of the joint application for arbitration of a controversy between*

LOWELL GAS COMPANY

and


UNITED STEELWORKERS OF AMERICA, AFL-CIO

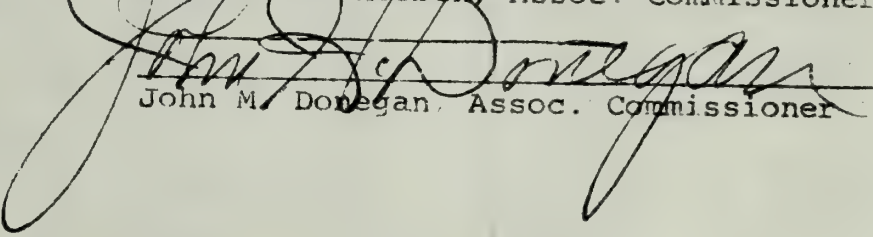
ARB. 153-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY HAD JUST CAUSE TO DISCHARGE  
THE GRIEVANT, PAUL BOUDREAU, ON APRIL  
25, 1975. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
John M. Donegan, Assoc. Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

July 29, 1975

*In the matter of the joint application for arbitration of a controversy between*

WITT ARMSTRONG EQUIPMENT CO.,

AND

INTERNATIONAL ASSOC. OF MACHINISTS  
& AEROSPACE WORKERS AFL-CIO

ARB. 147 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The Company is not required to re-rate the grievant William Troy. The grievance is denied."

BY THE BOARD:

*William M. Hooben*

William M. Hooben, Assoc. Commissioner

*John H. Donagan*

John H. Donagan, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 1, 1975

*In the matter of the joint application for arbitration of a controversy between*  
MARITIME TERMINAL, INC.

AND

TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN &  
HELPERS LOCAL No. 59

ARB. #129-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The employees of the Company, except for the "cranberry season operation," can not refuse to work in a higher job classification if directed to do so by the Employer. The grievance is denied."

BY THE BOARD:

*William M. Hooben*  
William M. Hooben, Assoc. Commissioner

*John H. Donegan*  
John H. Donegan, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

August 1, 1975

*In the matter of the joint application for arbitration of a controversy between*  
MARITIME TERMINAL, INC.  
AND  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN &  
HELPERS LOCAL NO. 59

ARB. 171-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The Company violated the contract on 6/5/75 when it directed George Cabral to discontinue his activities as shop steward and punch out and later suspended him for one (1) day. The Company shall fully compensate the grievant by paying him 1½ hour's straight pay for 6/5/75 and eight (8) hour's straight pay for his day of suspension, 6/6/75."

BY THE BOARD:

*William M. Hooker*  
William M. Hooker, Assoc. Commissioner

*John H. Donegan*  
John H. Donegan, Assoc. Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

August 6, 1975

*In the matter of the joint application for arbitration of a controversy between*

WALTHAM -HAMPDEN GRINDING WHEEL COMPANY, INC.

AND

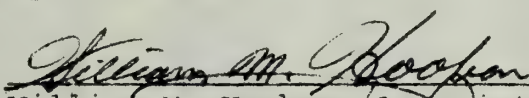
ARB. 122-1975

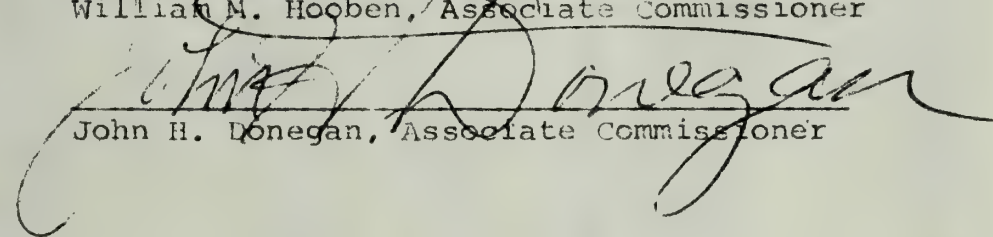
DIRECTLY AFFILIATED LOCAL UNION #22879, AFL-CIO

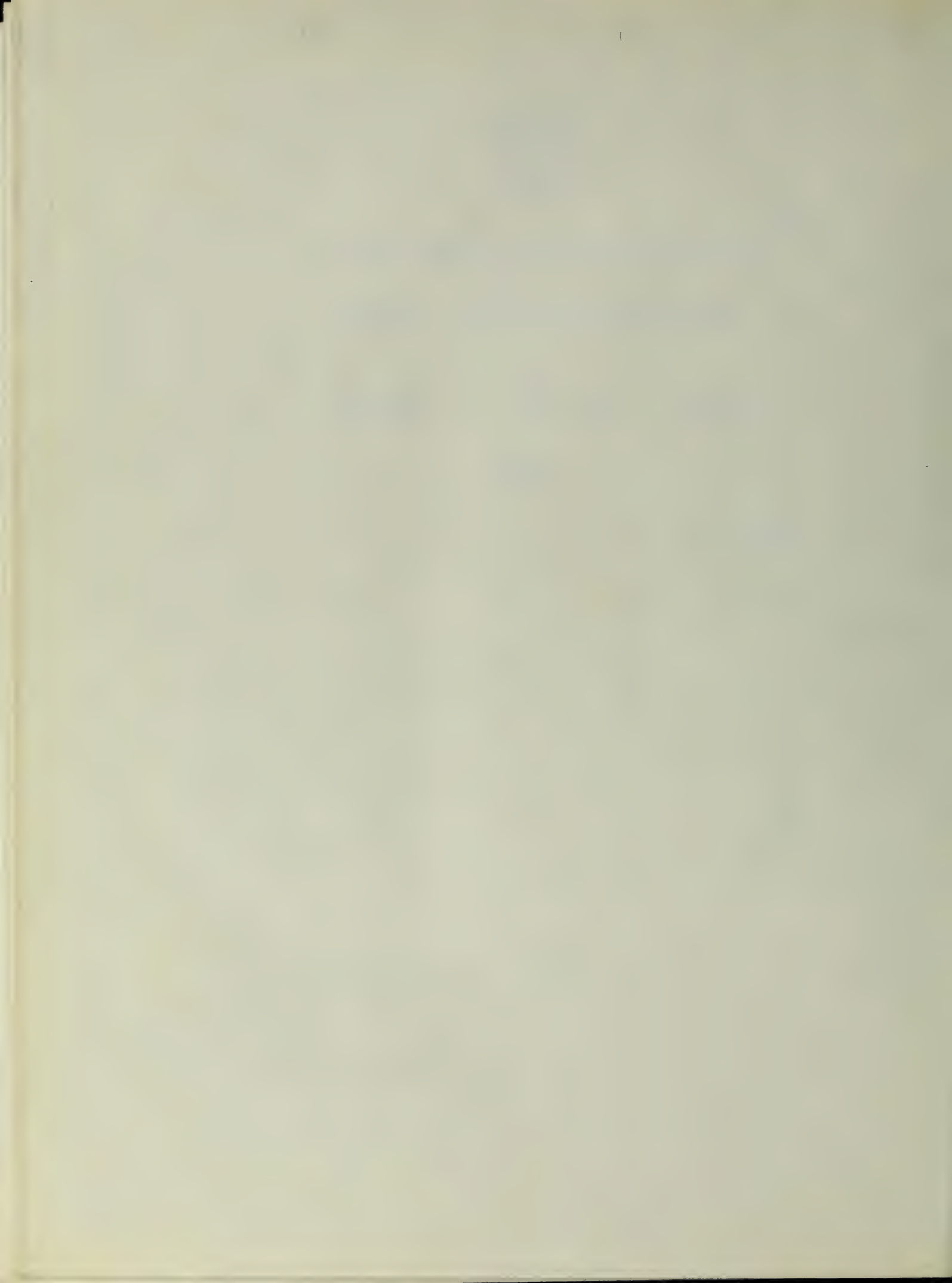
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE COMPANY WAS JUSTIFIED IN ISSUING A LETTER OF REPRIMAND ON 2/5/75 TO FRANK COLLINS RELATING TO AN INCIDENT INVOLVING AN ALTERCATION OF 1/30/75. THE SAID LETTER SHALL REMAIN IN THE GRIEVANT'S FILE. THE GRIEVANCE IS DENIED."

By the board:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner





90

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 6, 1975

*In the matter of the joint application for arbitration of a controversy between*

CLICQUOT CLUB CORPORATION

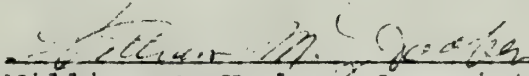
and

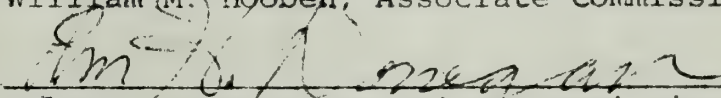
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND  
HELPERS OF AMERICA LOCAL NO. 25 ARB. 170-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF ROBERT PLEAU BY THE COMPANY ON MAY 22, 1975 FOR ABSENTEEISM WAS NOT JUSTIFIED. A SUSPENSION OF LONG DURATION UP TO THE EFFECTIVE DATE OF HIS REINSTATEMENT, HOWEVER, IS APPROPRIATE AS A FORM OF DISCIPLINE. THE BOARD THEREFORE DIRECTS THE EMPLOYER TO REINSTATE ROBERT PLEAU TO HIS FORMER POSITION WITHOUT ANY LOSS IN SENIORITY AND FRINGE BENEFITS FORTHWITH BUT WITHOUT BACK PAY."

By the Board:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

August 15, 1975

*In the matter of the joint application for arbitration of a controversy between*

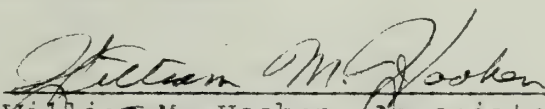
KENOZA VENDING COMPANY  
AND  
TEAMSTERS LOCAL #686

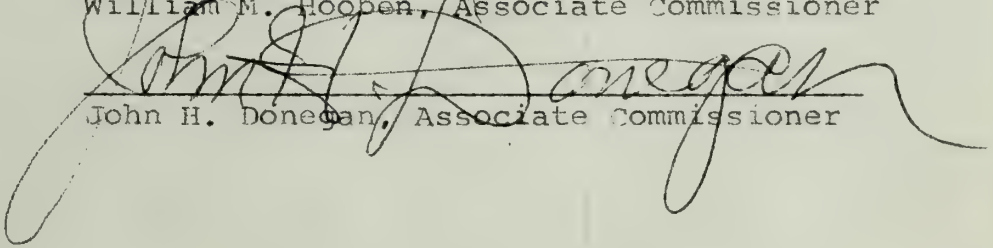
ARB. 137 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF THE GRIEVANT, RICHARD RIPLEY, WAS FOR JUST CAUSE. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

September 18, 1975

*In the matter of the joint application for arbitration of a controversy between*

Swansea Concrete Company  
and

ARB. 132-1975

Int'l Brotherhood of Teamsters, Chauffeurs,  
Warehousemen & Helpers of America, Local #526

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The discharge of James Mello on 2/7/75 by the Company was not for just cause! The grievant shall be fully reinstated in his position and compensated at his usual rate of pay for lost work opportunity as required by the parties' contract."

By the Board:

A handwritten signature in dark ink, appearing to read "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in dark ink, appearing to read "John H. Donegan".

John H. Donegan, Assoc. Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

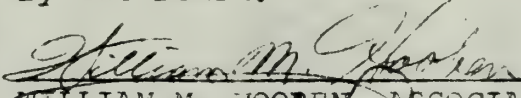
August 19, 1975

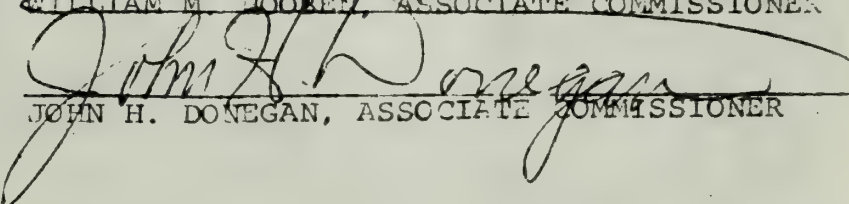
*In the matter of the joint application for arbitration of a controversy between*  
Falmouth Concrete and Building Supplier, Inc.  
and  
Teamsters Chauffeurs, Warehousemen and Helpers,  
Local Union No. 59 affiliated with the I.B. of T.C.W. & H.  
of America (Arb. 2-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE EMPLOYEE, CHARLES E. DENNERY, WHO IS PRESENTLY NOT WORKING DUE TO AN INDUSTRIAL ACCIDENT AND RECEIVING WORKMAN'S COMPENSATION IS ENTITLED TO RECEIVE VACATION PAY IN ACCORDANCE WITH THE SCHEDULE OF VACATION RIGHTS AS SET FORTH IN ARTICLE 9 OF THE PARTIES' CONTRACT. THE BOARD DIRECTS THE EMPLOYER TO PAY TO SAID CHARLES E. DENNERY HIS APPLICABLE VACATION PAY FORTHWITH."

By the Board:

  
WILLIAM M. MOOREN, ASSOCIATE COMMISSIONER

  
JOHN H. DONEGAN, ASSOCIATE COMMISSIONER





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

September 23, 1975

*In the matter of the joint application for arbitration of a controversy between*

Torngren Company (Division of Spincraft)


and

Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 49  
(Arb. 142-1975)

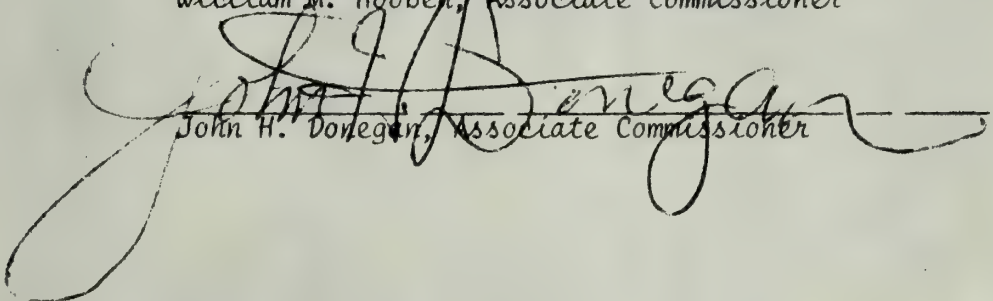
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE DISCHARGE OF THE GRIEVANT, JOHN O'NEIL, BY  
THE COMPANY WAS FOR JUST CAUSE. THE GRIEVANCE IS  
DENIED.

By the Board:



William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

September 23, 1975

*In the matter of the joint application for arbitration of a controversy between*

COCA COLA BOTTLING OF CAPE COD, INC.

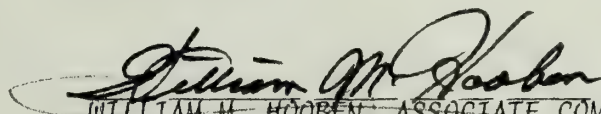
and

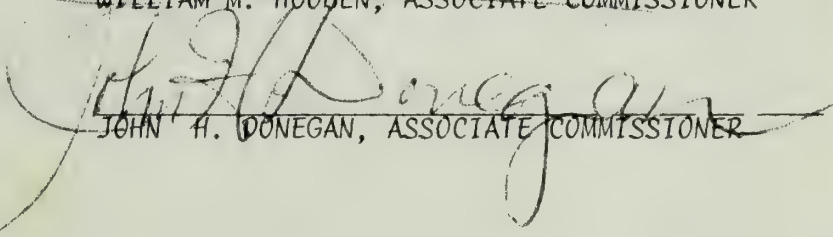
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS, LOCAL NO. 59 ARB. 3 - 1976

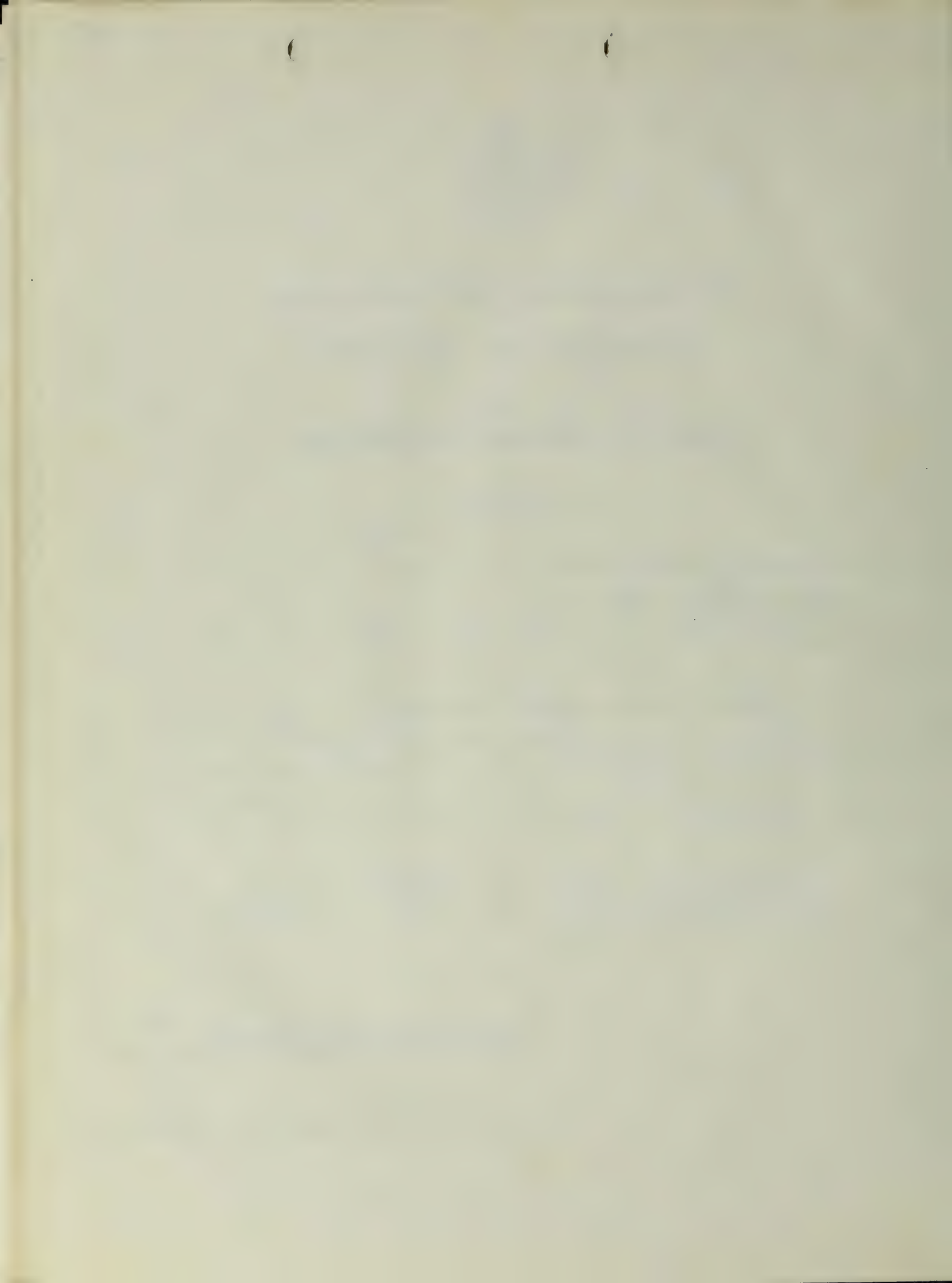
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE DISCHARGE OF THE GRIEVANT, JOHN NICKERSON, ON 6/13/75 WAS NOT FOR JUST CAUSE. THE EMPLOYER SHALL RE-INSTATE THE GRIEVANT FULLY TO HIS PRIOR POSITION AND MAKE HIM WHOLE FOR ALL LOST WORK OPPORTUNITY SINCE HIS DISCHARGE.

By the Board:

  
WILLIAM M. HOOBEN, ASSOCIATE COMMISSONER

  
JOHN H. DONEGAN, ASSOCIATE COMMISSONER





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** September 25, 1975

*In the matter of the joint application for arbitration of a controversy between*

DANVERS SCHOOL COMMITTEE

AND

DANVERS TEACHERS ASSOCIATION

ARB. 101 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The Danvers School Committee did not violate the Agreement between it and the Association. It did not lengthen the Elementary teachers' work-day. The grievance is thereby denied."

By the Board:

A handwritten signature in cursive script, reading "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in cursive script, reading "John H. Donegan".

John H. Donegan, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 1, 1975

*In the matter of the joint application for arbitration of a controversy between*

KENOZA VENDING COMPANY and

TEAMSTERS LOCAL #636 ARB. 138 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY IS JUSTIFIED IN REFUSING TO PAY THE BASE PAY COMMITMENTS TO ITS EMPLOYEES WHEN THEY ARE PREPARED AND READY FOR WORK AND ARE REMOVED BY CHOICE OF THE EMPLOYER. THE GRIEVANCE IS DENIED."

By the Board:

A handwritten signature in cursive script, appearing to read "William M. Hooben".

William M. Hooben, Associate Commissioner

A handwritten signature in cursive script, appearing to read "John H. Donegan".

John H. Donegan, Associate Commissioner



shw  
Dec. 4

88



# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

October 1, 1975

*In the matter of the joint application for arbitration of a controversy between*

**MARBLE MOTOR COMPANY**

**AND**

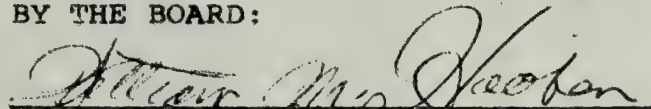
**ARB. 157 - 1975**

**TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
& HELPERS UNION LOCAL #437**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

**"THE COMPANY HAS THE RIGHT TO HAVE COMPANY CARS (USED) CLEANED BY OTHER THAN ITS OWN PERSONNEL! THE GRIEVANCE IS DENIED!"**

**BY THE BOARD:**

  
William M. Hooben, Assoc. Commissioner

  
John H. Donegan, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 1, 1975

*In the matter of the joint application for arbitration of a controversy between*

WHITNEY BROTHERS, INC.

and

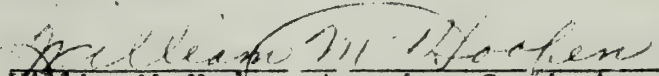
TEAMSTERS LOCAL UNION #504

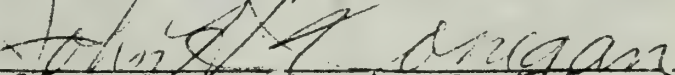
ARB. 172-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE EMPLOYER'S DISCHARGES OF CARL LA GRASSA AND JOHN KELLEY ON MAY 8, 1975 DID NOT VIOLATE THE LABOR CONTRACT. THE GRIEVANCES ARE DENIED."

BY THE BOARD:

  
William M. Hoober, Associate Commissioner

  
John H. Donegan, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

October 1, 1975

*In the matter of the joint application for arbitration of a controversy between*

ATHOL AND ATHOL-ROYALSTON REGIONAL SCHOOL COMMITTEE

and


ATHOL TEACHERS ASSOCIATION

Arb. 9-1976

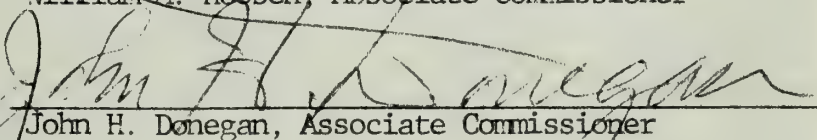
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE SCHOOL COMMITTEE DID NOT VIOLATE THE COLLECTIVE BARGAINING AGREEMENT BY NOT PLACING THE GRIEVANT, MRS. IRENE C. FREDETTE, AT THE TWELFTH STEP OF THE M-30 SALARY RANGE AS SET FORTH IN THE CONTRACT SALARY SCHEDULE. THE GRIEVANCE IS THEREFORE DENIED."

By the Board:



William M. Hooben, Associate Commissioner



John H. Donegan, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 1, 1975

*In the matter of the joint application for arbitration of a controversy between*

CARLING BREWING COMPANY


and

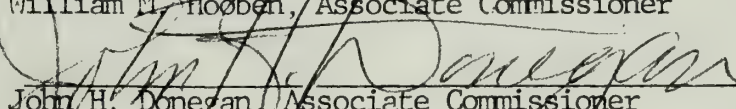
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND  
HELPERS OF AMERICA L.U. 108 (Arb. 20-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF WILLIAM HART BY THE COMPANY  
WAS FOR JUST CAUSE. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

West Springfield Education Association

and

Arb. 61 - 1975

West Springfield School Committee

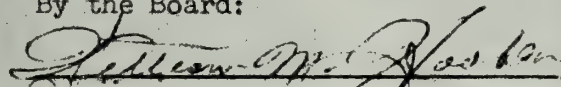
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

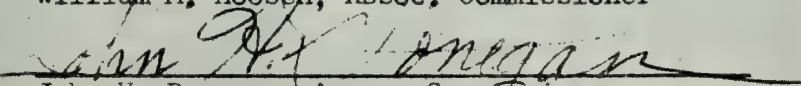
"MRS. ABEL DID COMPLY WITH THE GRIEVANCE PROCEDURE."

"ARTICLE XII, PARAGRAPH E DOES APPLY TO THE NON-REAPPOINTMENT OF A NON-TENURED TEACHER AT THE END OF HER TERM."

"THE COMMITTEE HAD JUST CAUSE WHEN IT FAILED TO REHIRE MRS. ABEL. THE GRIEVANCE IS DENIED."

By the Board:

  
William M. Hooben, Assoc. Commissioner

  
John H. Donegan, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

**TABLE TALK, INC.**

**AND**

**LOCAL #251, BAKERY AND CONFECTIONERY WORKERS**

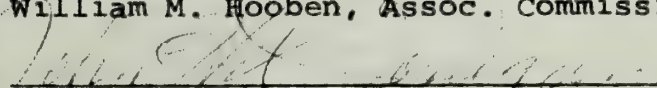
**ARB. 128 - 1975**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Employer has not fully complied with the wage provisions of the Collective Bargaining Agreement in effect between the parties, specifically its obligation set forth in the Schedule "C" stipulation agreement regarding the payment of a wage increase of 39¢ per hour effective May 6, 1973 and subsequently permitted by the Federal Cost of Living Council effective the first pay period after Jan. 4, 1974 as per the decision of the said council's office of Wage Stabilization Administrator. The Employer shall pay retroactive to said date of Jan. 4, 1974 and up to November 1, 1974, the full said wage increase of 39¢ per hour effective as of the first pay period after January 4, 1974 to all the employees covered under said contract, but without the payment of any interest to said employees. Said payments are to be made forthwith.

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
John H. Donegan, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

ATHOL AND ATHOL-ROYALSTON REGIONAL SCHOOL COMMITTEE

and

ATHOL TEACHERS ASSOCIATION

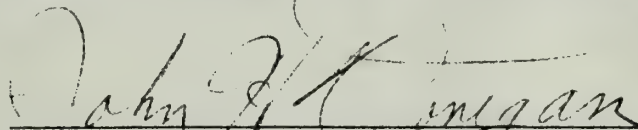
Arb. 95-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE SCHOOL COMMITTEE DID NOT VIOLATE THE COLLECTIVE BARGAINING AGREEMENT BY DENYING THE GRIEVANT, PAUL K. PROKOPAS, PAYMENT FOR M+18 COURSES. THE SCHOOL COMMITTEE PROPERLY PAID THE GRIEVANT AT THE RATE OF M+3. THE GRIEVANCE IS HEREBY DENIED."

By the Board;

  
WILLIAM M. HOOBEN, ASSOCIATE COMMISSIONER

  
JOHN H. DONEGAN, ASSOCIATE COMMISSIONER







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

Prolerized New England Company  
and

Arb. 5 - 1976

General Misc. Scrap Iron Workers  
Local #1908

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The discharge of Paul Fitzgerald on June 20, 1975 was not for just cause. The said grievant shall be reinstated to his prior position without loss of seniority and contract fringe benefits but without back pay."

By the Board:

William M. Hooben  
William M. Hooben, Assoc. Commissioner

John H. Donegan  
John H. Donegan, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

Airways Transportation Company

and

Teamsters Local 496

Arb. 7 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The termination of John Guidicianne as limousine driver on July 15, 1975 was not for just cause. The Company shall reinstate the said grievant to his former position and shall reimburse him for all lost work opportunities in accordance with the parties' contract."

By the Board:

  
William M. Hooben, Assoc. Commissioner

  
John H. Donegan, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 17, 1975

*In the matter of the joint application for arbitration of a controversy between*

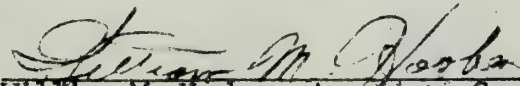
TECHNICAL IMPEX CORPORATION and


TEAMSTERS LOCAL UNION #49, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (ARB. 11-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF THE GRIEVANT, RODGER R. BROUILLARD, BY THE COMPANY ON JULY 17, 1975 WAS FOR JUST CAUSE. THE GRIEVANCE IS DENIED."

By the Board:

  
William M. Hooben, Associate Commissioner

  
John H. Donegan, Associate Commissioner



## COMMONWEALTH OF MASSACHUSETTS

Before the State Board of Conciliation &amp; Arbitration

-----  
In the Matter of:

TOWN OF EAST LONGMEADOW

and

AFSCME, AFL-CIO, COUNCIL 41,  
LOCAL 1364  
-----

10-25-75

ARB. 26 - 1976

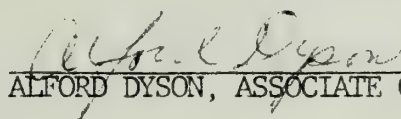
DECISION OF THE BOARD

A hearing was held in the offices of the Board in the Leverett Saltonstall Building, Boston, Massachusetts on Wednesday, October 29, 1975 in regard to the Motion To Dismiss Petition filed with this Board by the Town of East Longmeadow in the above entitled case. A copy of said Motion To Dismiss Petition is enclosed herein as Appendix A.

After hearing arguments and taking evidence by the parties in regard to said Motion, the Board respectfully declined to take jurisdiction of this arbitration matter at this time and directed the Union to follow the procedures set forth in Section 8 of Chapter 150E before the Massachusetts Labor Relations Commission in order to achieve arbitration by the Board in this case. The Town's Motion To Dismiss Petition is allowed.

BY THE BOARD:

  
 WILLIAM M. HOOBEN, ASSOCIATE COMMISSIONER

  
 ALFORD DYSON, ASSOCIATE COMMISSIONER







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 4, 1975

*In the matter of the joint application for arbitration of a controversy between*

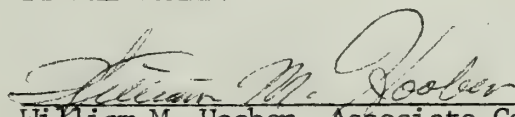
DANNON MILK PRODUCTS (Division of Beatrice Foods Company)  
and

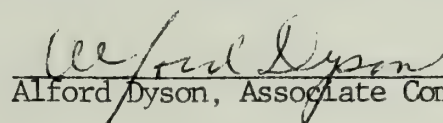
TEAMSTERS UNION, LOCAL 25 affiliated with the INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA (Arb. 27-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID NOT HAVE JUST CAUSE FOR THE DISCHARGE OF ROY STEWART. THE BOARD DIRECTS THAT THE COMPANY REINSTATE SAID ROY STEWART TO HIS FORMER POSITION AND BE MADE WHOLE FOR ALL LOST WAGES AND OTHER CONTRACTUAL BENEFITS WITHOUT FORFEITURE OF SENIORITY OR ANY OTHER BENEFITS FOR THE PERIOD FROM THE DATE OF HIS DISCHARGE ON AUGUST 8, 1975 UP TO NOVEMBER 4, 1975."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
Alford Dyson, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 5, 1975

*In the matter of the joint application for arbitration of a controversy between*

DANVERS SCHOOL COMMITTEE

AND

DANVERS TEACHERS ASSOCIATION

ARB. 140 - 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The Danvers School Committee violated the Collective Bargaining Agreement by assigning high school teachers to library stations for supervisory purposes while such teachers were performing properly assigned tutorial periods during the period of December 11, 1974 to February 10, 1975. The School Committee shall make available to each of the applicable high school teachers so improperly assigned, equivalent compensatory time off for the actual time said teachers performed these functions during the said period of time."

BY THE BOARD:

William M. Hooben  
William M. Hooben, Associate Commissioner

Alford Dyson  
Alford Dyson, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

November 5, 1975


*In the matter of the joint application for arbitration of a controversy between*

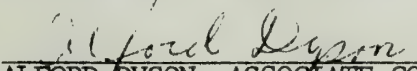
TORNGREN/SPINCRAFT, Division of Standex International Corporation  
and  
TEAMSTERS LOCAL UNION NO. 49 Arb. 4- 1976

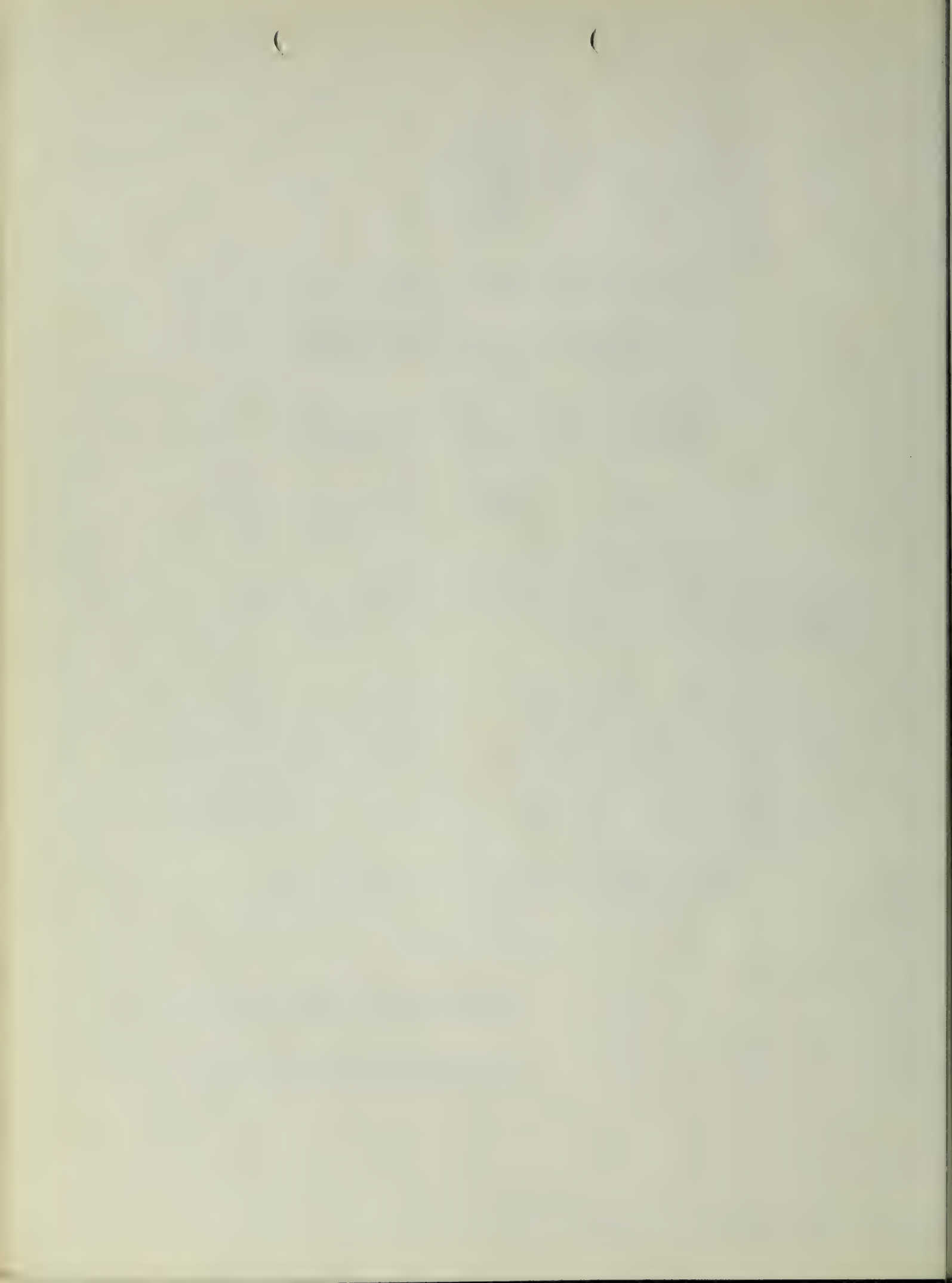
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGES OF THE EMPLOYEES, JOSEPH REYNOLDS, DONALD BUOTE AND JOSEPH HILL BY THE COMPANY WERE FOR JUST CAUSE. THE GRIEVANCES ARE HEREBY DENIED."

BY THE BOARD:

  
WILLIAM M. HOOBEN, ASSOCIATE COMMISSIONER

  
ALFORD DYSON, ASSOCIATE COMMISSIONER





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** November 5, 1975

*In the matter of the joint application for arbitration of a controversy between*

MICHIGAN ABRASIVE COMPANY, INC.

AND

ARB. 21 - 1976

UNITED PAPERWORKERS INTERNATIONAL UNION  
AFL-CIO, CLC AND ITS JEWEL LOCAL #538

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

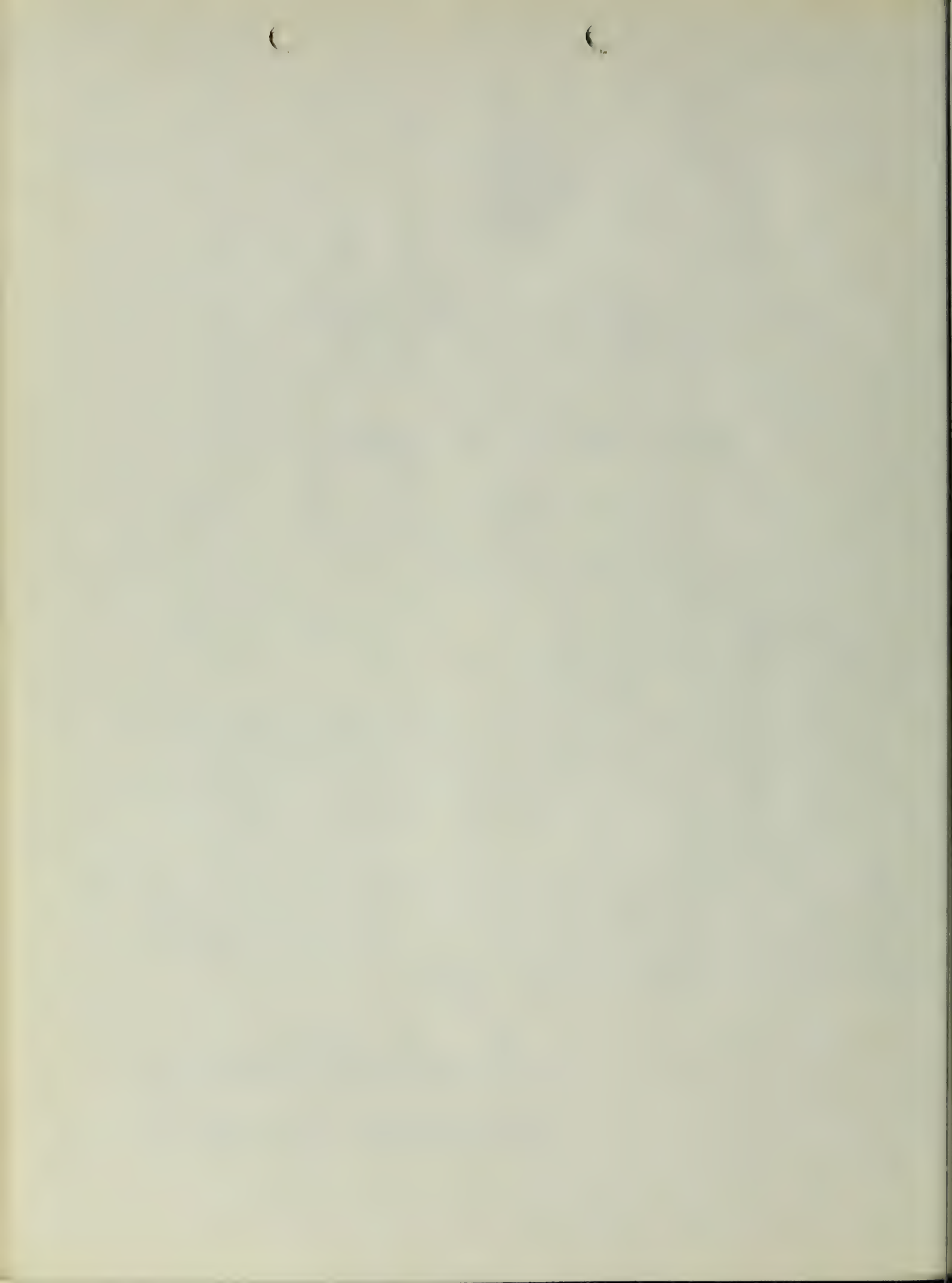
"THE COMPANY IS OBLIGATED TO PROVIDE WORK CLOTHES FOR THE MAKER CREWS. THE COMPANY SHALL RE-INSTATE ITS PRACTICE OF PROVIDING SAID WORK CLOTHES FOR THE MAKER CREWS FORTHWITH AND RETROACTIVE TO THE DATE IT DEDUCTED THE SAME ON MAY 22, 1975. THE EMPLOYEES WHO PAID OUT OF POCKET TO MAINTAIN SAID SERVICE SINCE MAY 22, 1975, SHALL BE RE-IMBURSED BY THE COMPANY FOR SAID EXPENSES."

BY THE BOARD:

William M. Hooben  
William M. Hooben, Assoc. Commissioner

Alford Dyson  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 5, 1975

*In the matter of the joint application for arbitration of a controversy between*

NEW BEDFORD SCHOOL COMMITTEE

AND

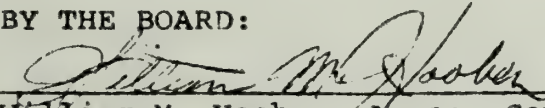
Arb. 22 - 1976

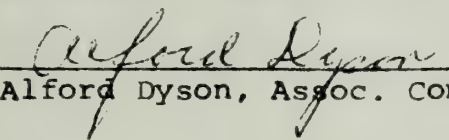
AFSCME, AFL-CIO State Council 41,  
LOCAL 641

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The New Bedford School Committee violated the Collective Bargaining Agreement by failing to transfer the grievant, Theresa B. Tousignant, to one (1) of the positions of Clerk Typist indicated in the posting of May 14, 1975. The Board directs that the New Bedford School Committee offer to said grievant her choice between said two (2) positions and allow her the full 90 days trial period set forth in the contract to qualify for said position on a permanent basis."

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 18, 1975

*In the matter of the joint application for arbitration of a controversy between*

CRAY-BURKE CO., INC.

AND

ARB. 38 - 1976

TEAMSTERS LOCAL UNION #404

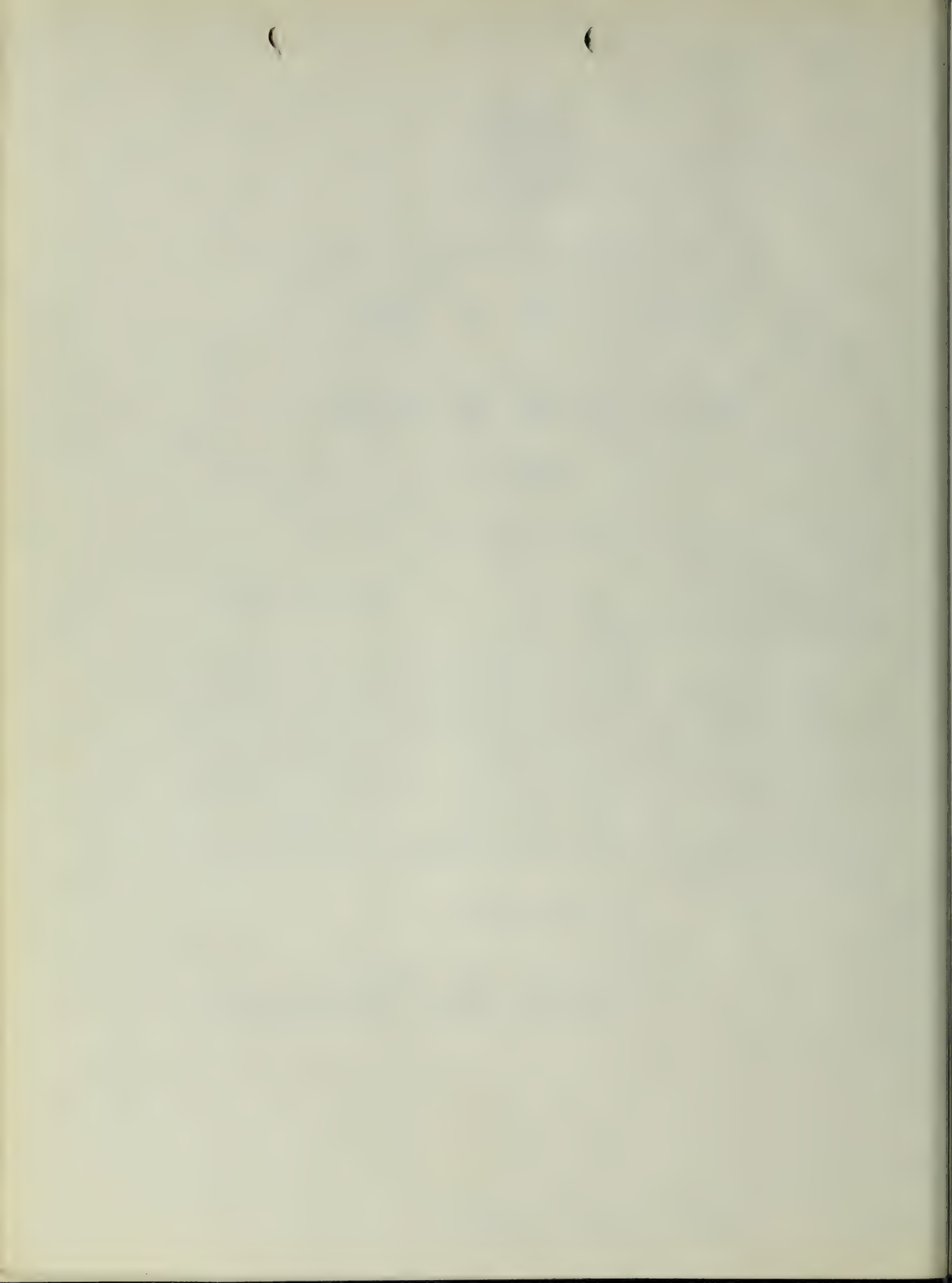
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID NOT VIOLATE THE CONTRACT WHEN IT DENIED MYRON KULIG ANY VACATION PAY FOR HIS FIRST YEAR OF EMPLOYMENT. THE GRIEVANCE IS DENIED!"

FOR THE BOARD:

William M. Hooben, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 25 1975

In the matter of the joint application for arbitration of a controversy between

TABLE TALK, INC.

AND

ARB. 8 - 1976

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
CHAUFFEURS, LOCAL #170

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), has decided as follows:

"THE COMPANY HAD JUST CAUSE TO SUSPEND WILLIAM CUDD FOR ONE (1) DAY. IT DID NOT HAVE JUST CAUSE TO SUSPEND HIM FOR FIVE (5) DAYS. IT SHALL THEN REIMBURSE THE SAID GRIEVANT FOR FOUR (4) DAYS LOST EARNINGS."

BY THE BOARD:

William M. Hooben  
William M. Hooben, Assoc. Commissioner

Alford Dyson  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

December 15, 1975

*In the matter of the joint application for arbitration of a controversy between*

JOSEPH ARRUDA CONSTRUCTION CO.

AND

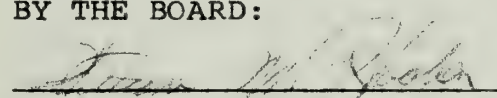
ARB. 110-1975

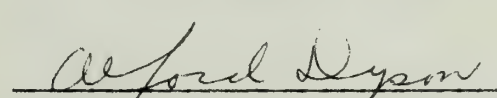
LOCAL NO. 526

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE GRIEVANT AND THE UNION FAILED TO FOLLOW THE NECESSARY GRIEVANCE PROCEDURE IN THE CONTRACT. THE BOARD DOES NOT HAVE JURISDICTION TO HEAR THE MERITS OF THIS CASE. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 16, 1975

*In the matter of the joint application for arbitration of a controversy between*

GAS, INC.

and


TEAMSTERS LOCAL UNION #49

ARB. 31-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE THREE DAY SUSPENSION OF JOSEPH GINGRAS WAS NOT JUSTIFIED UNDER ARTICLE XIII OF THE COLLECTIVE BARGAINING AGREEMENT. SAID SUSPENSION WAS A VIOLATION OF ARTICLE XIII, PARAGRAPH 1 OF THE CONTRACT. THE BOARD DIRECTS THE EMPLOYER TO MAKE THE SAID EMPLOYEE COMPLETELY WHOLE FOR THE THREE DAY SUSPENSION SUFFERED BY HIM INCLUDING ANY AND ALL LOST WAGES AND OTHER CONTRACTUAL BENEFITS FORTHWITH."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
Alford Dyson, Associate Commissioner



38

COMMONWEALTH OF MASSACHUSETTS

Before the State Board of Arbitration and Conciliation

-----	
In the Matter of:	(
	(
GAS, INC.	(
	(
and	(
	(
TEAMSTERS LOCAL UNION #49	(
-----	

ARB. 31-1976
ARB. 37-1976
ARB. 44-1976
ARB. 33-1976

OPINION OF THE BOARD

Opinion of the Board written by Commissioner William M. Hooben, Esq., Industry Member of the Board in behalf of the Board.

The above arbitration cases came to the Board through the filing of joint applications for arbitration hearings by the parties. An arbitration hearing was held in each of the four cases on Tuesday, November 24, 1975 in the offices of the Board in the Leverett Saltonstall Building, Boston, Massachusetts.

Present and appearing in behalf of the Company were Attorney Michael Manzi, Counsel for the Company in arbitrations #37, #44 and #33. Present in behalf of the Company were John Silver, Jr., Manager of Transportation, John A. Williams, Assistant Manager of Transportation, John J. Conway, Safety Director, John B. Desmond, Controller and Allan Paulee, Chief Dispatcher. Present and appearing in behalf of the Union in all cases were Michael Platanites, Business Representative of Local #49 and Vincent Mellen, Shop Steward.

A stenographic transcript of the proceeding was not taken in any of the cases. Neither of the parties submitted any briefs.

The following issues were submitted by the parties to the Board.

CASE #1- Arb. 31-1976

"WAS THE THREE (3) DAY SUSPENSION OF JOSEPH GINGRAS JUSTIFIED UNDER ARTICLE XIII, PARAGRAPH 1 OF THE COLLECTIVE BARGAINING AGREEMENT? IF NOT, WHAT SHALL THE REMEDY BE?"

CASE #2- Arb. 37-1976

"WAS THE DISCHARGE OF ERNEST SOULE FOR JUST CAUSE? IF NOT, WHAT SHALL THE REMEDY BE?"







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** December 16, 1975

*In the matter of the joint application for arbitration of a controversy between*

GAS, INC.

and

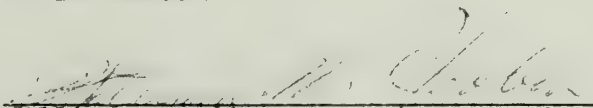
TEAMSTERS LOCAL UNION #49

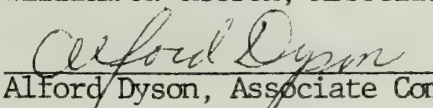
ARB. 33-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID NOT VIOLATE ARTICLE 5 PARAGRAPH (a) OF THE COLLECTIVE BARGAINING AGREEMENT WHEN IT FAILED TO PAY JAMES VENTRILLO FOUR (4) HOURS OF PAY WHEN SAID EMPLOYEE REPORTED TO WORK BUT DID NOT ACTUALLY WORK ON THE MORNING OF AUGUST 18, 1975. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
Alford Dyson, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** December 16, 1975

*In the matter of the joint application for arbitration of a controversy between*

GAS, INC.

and


TEAMSTERS LOCAL UNION #49

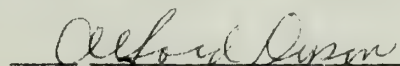
ARB. 37-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

" THE DISCHARGE OF ERNEST SOULE WAS FOR JUST CAUSE. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
Alford Dyson, Associate Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** December 16, 1975

*In the matter of the joint application for arbitration of a controversy between*

GAS, INC.

and

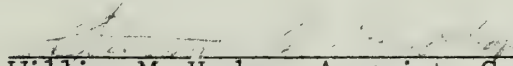
TEAMSTERS LOCAL UNION # 49

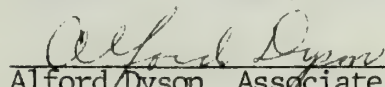
ARB. 44 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF RICHARD PETERSON BY THE COMPANY WAS FOR JUST CAUSE. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Associate Commissioner

  
Alford Dyson, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 17, 1975

*In the matter of the joint application for arbitration of a controversy between*


WALDING, DIVISION OF QUESTOR AND INT'L BROTHERHOOD  
BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS,  
FORGERS & HELPERS, AFL-CIO, LOCAL LODGE # 1851

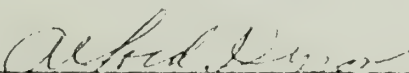
ARB. 143-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE COMPANY IS NOT OBLIGATED TO PAY OR MAKE AVAILABLE COMPARABLE EARNINGS TO THESE EMPLOYEES WHEN NEW EQUIPMENT REPLACES MANUAL OPERATIONS IN THE INSTANT CASE! THE GRIEVANCES ARE DENIED."

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** December 30, 1975

*In the matter of the joint application for arbitration of a controversy between*

LEEWOOD CORPORATION

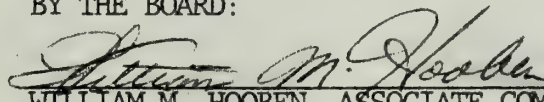
and

TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL #437  
(ARB. 47-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE SUSPENSIONS OF JULIO GOMEZ AND ROGER WEST BY THE EMPLOYER ON 11/3/75 WERE NOT FOR JUST CAUSE. THE COMPANY SHALL MAKE SAID EMPLOYEE WHOLE FOR ALL LOST EARNING OPPORTUNITIES AND ANY OTHER CONTRACTUAL BENEFITS LOST FORTHWITH."

BY THE BOARD:

  
WILLIAM M. HOOBEN, ASSOCIATE COMMISSIONER

  
ALFORD DYSON, ASSOCIATE COMMISSIONER





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 5, 1977

*In the matter of the joint application for arbitration of a controversy between*

Town of Walpole (DPW)

and

AFSCME

Arb. 30-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is denied.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 6, 1976

*In the matter of the joint application for arbitration of a controversy between*

City of Fall River and General Chauffeurs, Teamsters  
Warehousemen, Helpers, Miscellaneous Industrial &  
Production Workers, Local #526

APB 6-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:  
Effective retroactively to July 1, 1974 any employee in the bargaining unit represented by Teamsters Local Union 526 who is recalled to work pursuant to the contract shall be credited with any unused sick leave days that he had accumulated up to and as of the time of the interruption of his employment.

BY THE BOARD:

*William M. Hodson*

William M. Hodson, Assoc. Commissioner

*Alford H. ...*

Alford H. ..., Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 6, 1976

*In the matter of the joint application for arbitration of a controversy between*

City of Fall River  
and

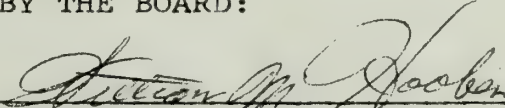
ARB. 23 - 1976

General Chauffeurs, Teamsters, Warehousemen, Helpers,  
Miscellaneous Industrial & Production Workers, Local #526

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Effective retroactively to July 1, 1975 Joseph Dufault and Vincent Cabral shall each be advanced to the maximum step of the Incinerator Fireman pay grade which is \$186.40 per week.

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 6, 1976

*In the matter of the joint application for arbitration of a controversy between*

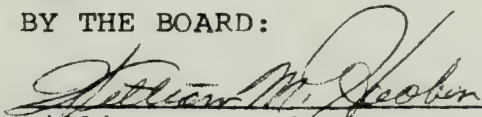
City of Fall River and General Chauffeurs, Teamsters  
Warehousemen, Helpers, Miscellaneous Industrial &  
Production Workers, Local #526

ARB. 24 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Effective as of January 1, 1975 Manuel Ferreira shall be reclassified from Machinist at the rate of \$180.40 per week to Working Foreman, Building Maintenance at the rate of \$193.40 per week; as of July 1, 1976 the rate for that classification shall be increased to \$203.40.

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** January 6, 1976

*In the matter of the joint application for arbitration of a controversy between*

CITY OF LOWELL

and

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

(ARB. 29-1976)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE CITY OF LOWELL DID NOT VIOLATE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES BY THE ISSUANCE OF A REPRIMAND BY THE SUPERINTENDENT OF POLICE TO OFFICER FRANCIS A. HARVEY. THE GRIEVANCE IS DENIED."

BY THE BOARD:

Handwritten signature of William M. Hooben in cursive script.

William M. Hooben, Associate Commissioner

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Associate Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 14, 1976

*In the matter of the joint application for arbitration of a controversy between*

CHECKER TAXI COMPANY

AND

TEAMSTERS TAXI DRIVERS AND CHAUFFEURS UNION  
LOCAL, #496

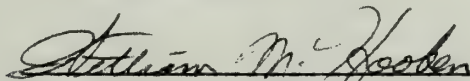
ARB. 41 - 1976


The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

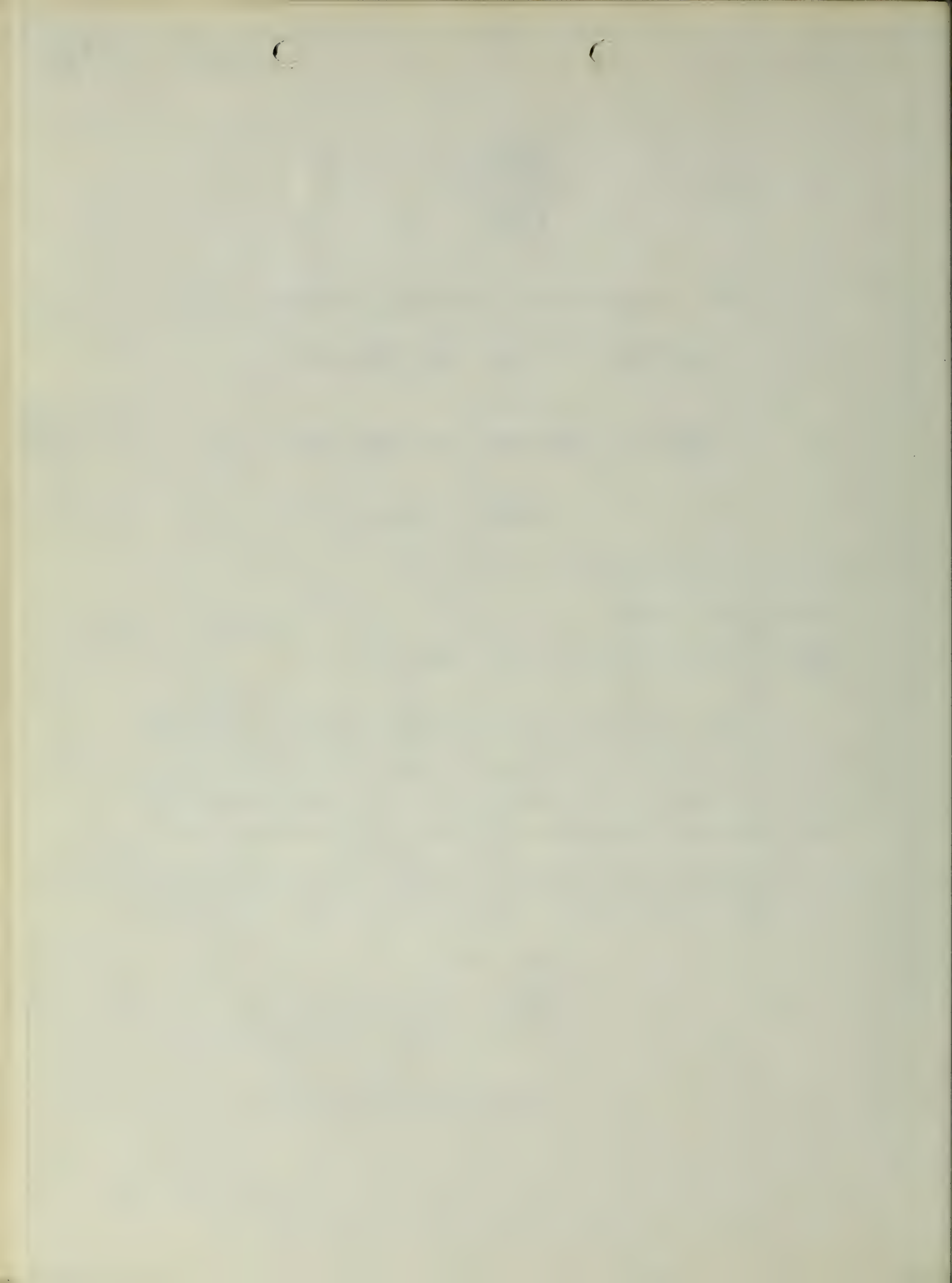
"(1) THE GRIEVANCE OF ISAIAH ULISS IS ARBITRABLE!

(2) THE COMPANY HAS NOT VIOLATED THE RIGHT TO ACCESS OF ISAIAH ULISS TO COMPANY PREMISES AS A UNION BUSINESS AGENT. THE GRIEVANCE IS DENIED!"

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 21, 1976

*In the matter of the joint application for arbitration of a controversy between*

JOHN E. CAIN CO.

(OXFORD PICKLE DIVISION)

and

TEAMSTERS LOCAL UNION NO. 404

ARB. 54 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

- 1) THE COMPANY DID NOT VIOLATE THE CONTRACT BY SUSPENDING MICHAEL AHEARN FROM AUGUST 8 THROUGH AUGUST 20, 1975. THE GRIEVANCE IS DENIED!
- 2) MICHAEL AHEARN IS OBLIGATED UNDER THE CONTRACT TO REIMBURSE THE COMPANY FOR THE PROPER AND CORRECT AMOUNT OF THE NET BALANCE OF THE UNRECOVERED LOSS SUFFERED OR ABOUT JULY 21, 1975!"

BY THE BOARD:

A handwritten signature in cursive script, appearing to read "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in cursive script, appearing to read "Alford Dyson".

Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** January 22, 1976

*In the matter of the joint application for arbitration of a controversy between*

GREATER LAWRENCE REGIONAL VOCATION HIGH SCHOOL TEACHERS

AND

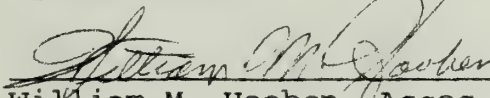
ARB. 35 - 1976

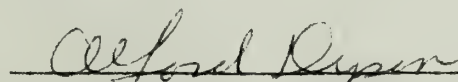
GREATER LAWRENCE REGIONAL VOCATIONAL SCHOOL COMMITTEE

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

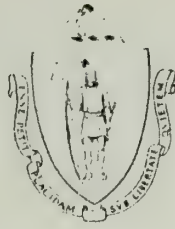
"THE SCHOOL COMMITTEE DID NOT VIOLATE ARTICLE IV COST-OF-LIVING PROVISIONS OF THE CONTRACT BY NOT PAYING SAID COST -OF-LIVING INCREASE TO FIRST YEAR TEACHERS IN FALL 1974. THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 28, 1976

*In the matter of the joint application for arbitration of a controversy between*

EAST BRIDGEWATER SCHOOL COMMITTEE

AND

EAST BRIDGEWATER EDUCATION ASSOCIATION

ARB. 168- 1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE GRIEVANCE IS TIME BARRED!"

BY THE BOARD:

A handwritten signature in cursive script, appearing to read "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in cursive script, appearing to read "Alford Dyson".

Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

ROHTSTEIN CORP.

AND

TEAMSTERS UNION, LOCAL NO. 25

ARB. 39 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"Robert J. MacNeil failed to complete the required forty-five(45) working days trial period as set forth in Article IV Section 1-(b) of the Contract. He therefore may not arbitrate his dismissal under such Contract. The grievance is denied."

BY THE BOARD:

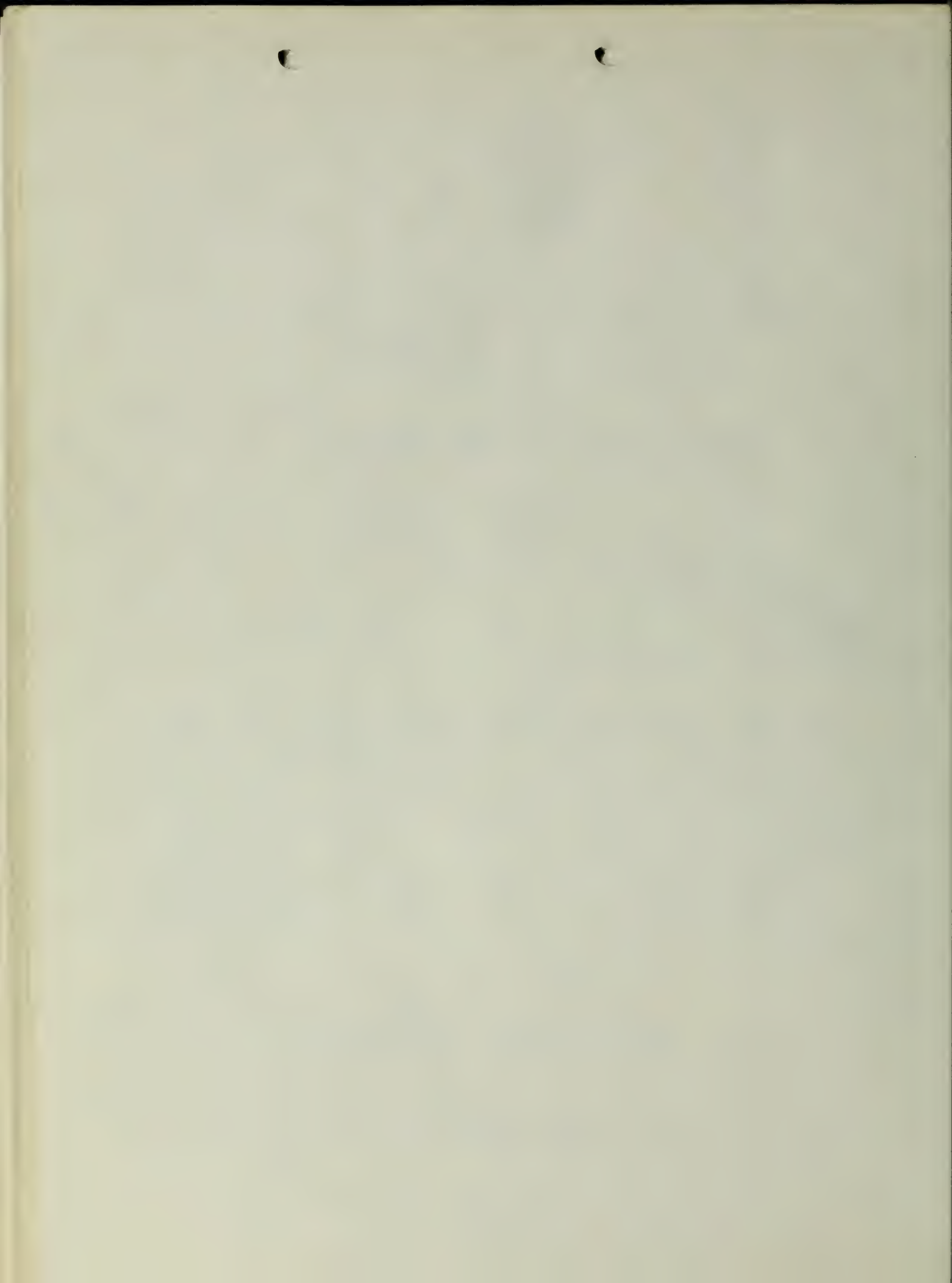
Handwritten signature of William M. Hooben in cursive script.

William M. Hooben, Assoc. Commissioner

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

Norwood Public School Jr. Custodians Association,  
AFSCME, AFL-CIO  
and  
Norwood School Committee

ARB. 40 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the Contract in effect between the parties by its method of assigning overtime custodial work at the Winslow School since 9/75! The Committee shall forthwith return to the former method of assigning such overtime work to Junior Building Custodians. The Committee shall also give preference forthwith in all custodial overtime work available in the school system to the Junior Building Custodians improperly denied such work opportunities since 9/75 until said total denied work opportunities are made up by an equal number of present and future overtime work opportunities so offered!"

BY THE BOARD:

*William M. Hooben*

William M. Hooben, Assoc. Commissioner

*Alford Dyson*

Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

FRIONOR KITCHENS, INC.

AND

ARB. 43 - 1976

TEAMSTERS, LOCAL #59

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE SUSPENSION OF KENNETH PACHECHO WAS FOR PROPER CAUSE. THE GRIEVANCE IS THEREFORE DENIED!"

BY THE BOARD:

A handwritten signature in cursive script, reading "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in cursive script, reading "Alford Dyson".

Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

City of Worcester  
and

ARB. 48 - 1976

Worcester Public Schools Custodians Assoc.

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The 5/30/75 reduction of custodians was not a violation of the Contract of 1/74-12/75 in Article 5A (2)! The grievance is therefore denied!"

BY THE BOARD:

A handwritten signature in cursive script, appearing to read "William M. Hooben".

William M. Hooben, Assoc. Commissioner

A handwritten signature in cursive script, appearing to read "Alford Dyson".

Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

Torngren/Spincraft, Division of Standex  
International Corporation

and

Teamsters Local Union #49

ARB. 49 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company did not violate Article VI, Section 3 of the Contract in its distribution of overtime work to the grievant, Richard Leighton! The grievance is therefore denied!"

BY THE BOARD:

*William M. Hooben*

William M. Hooben, Assoc. Commissioner

*Alford Dyson*

Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

CARLING BREWING COMPANY, INC.

AND

ARB. 56 - 1976

LODGE No. 264 OF DISTRICT LODGE NO. 38,

INT'L ASSOC. OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

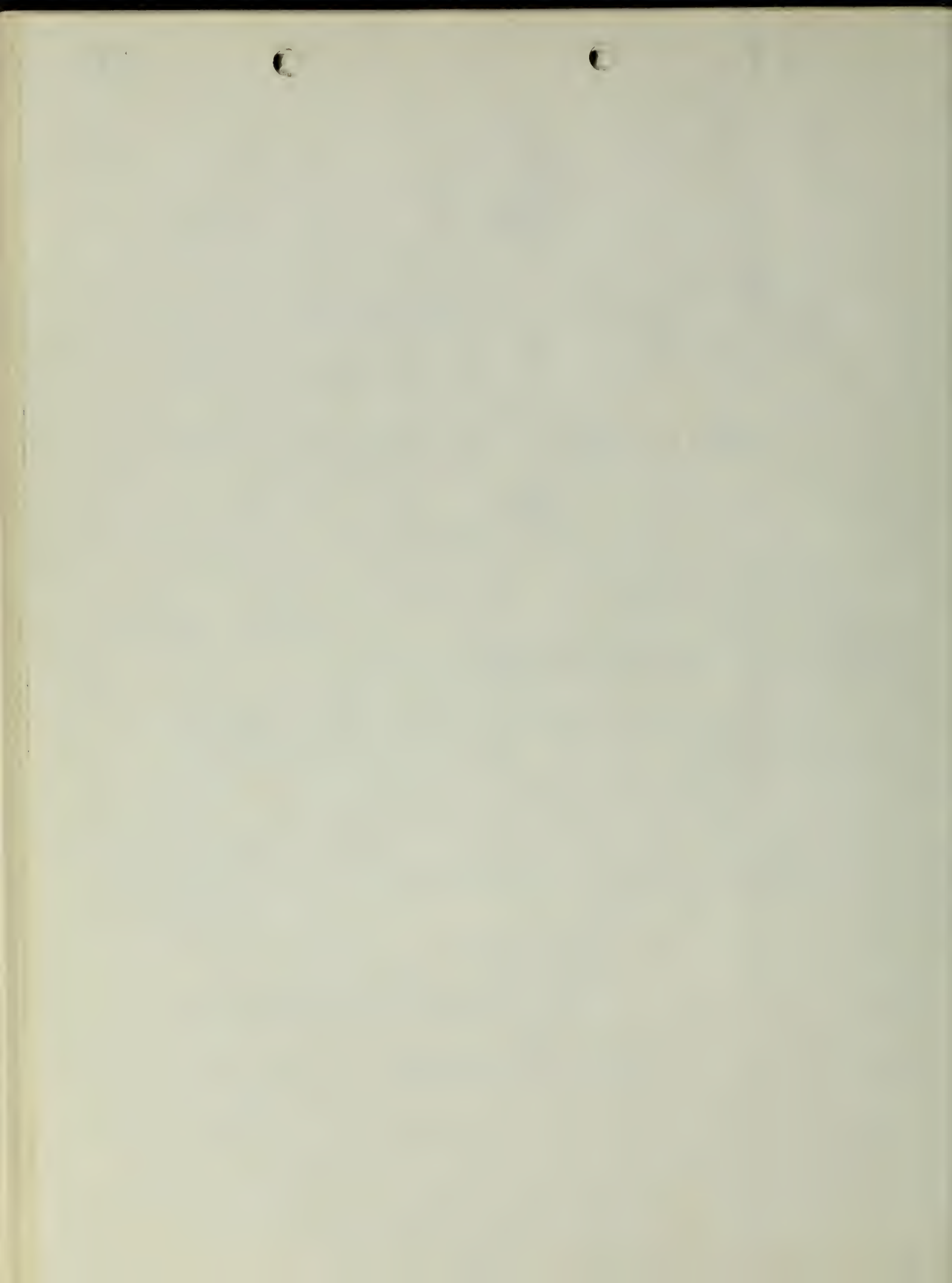
"THE LAYOFF OF ARNOLD J. SHINDUL DURING THE WEEK OF 10/12/75 - 11/10/75 WAS NOT A VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT! THE GRIEVANCE IS DENIED!"

BY THE BOARD:

William M. Hooben  
William M. Hooben, Assoc. Commissioner

Alford Dyson  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

SCHIAVONE & SONS, INC.

ARB. 57 - 1976

AND

GENERAL MISC. SCRAP IRON WORKERS, LOCAL 1908 ILA

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"There was not just cause for the discharge of Albert F. Mennello on 1/13/75. A suspension, however, without pay from 11/13/75 through 11/30/75 is justified. The Company is directed to restore said grievant to his prior job and make him whole for all work opportunities lost without any loss of seniority or other contract benefits for the period from 12/1/75 to the date of this hearing, 20/76, and do so forthwith."

BY THE BOARD:

William M. Hooben, Assoc. Commissioner

Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

*In the matter of the joint application for arbitration of a controversy between*

LILY TRANSPORT LINES

AND

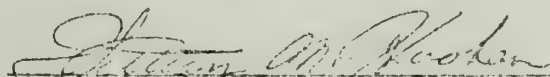
ARB. 53 - 1976

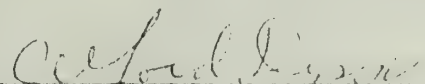
TEAMSTERS LOCAL UNION #49

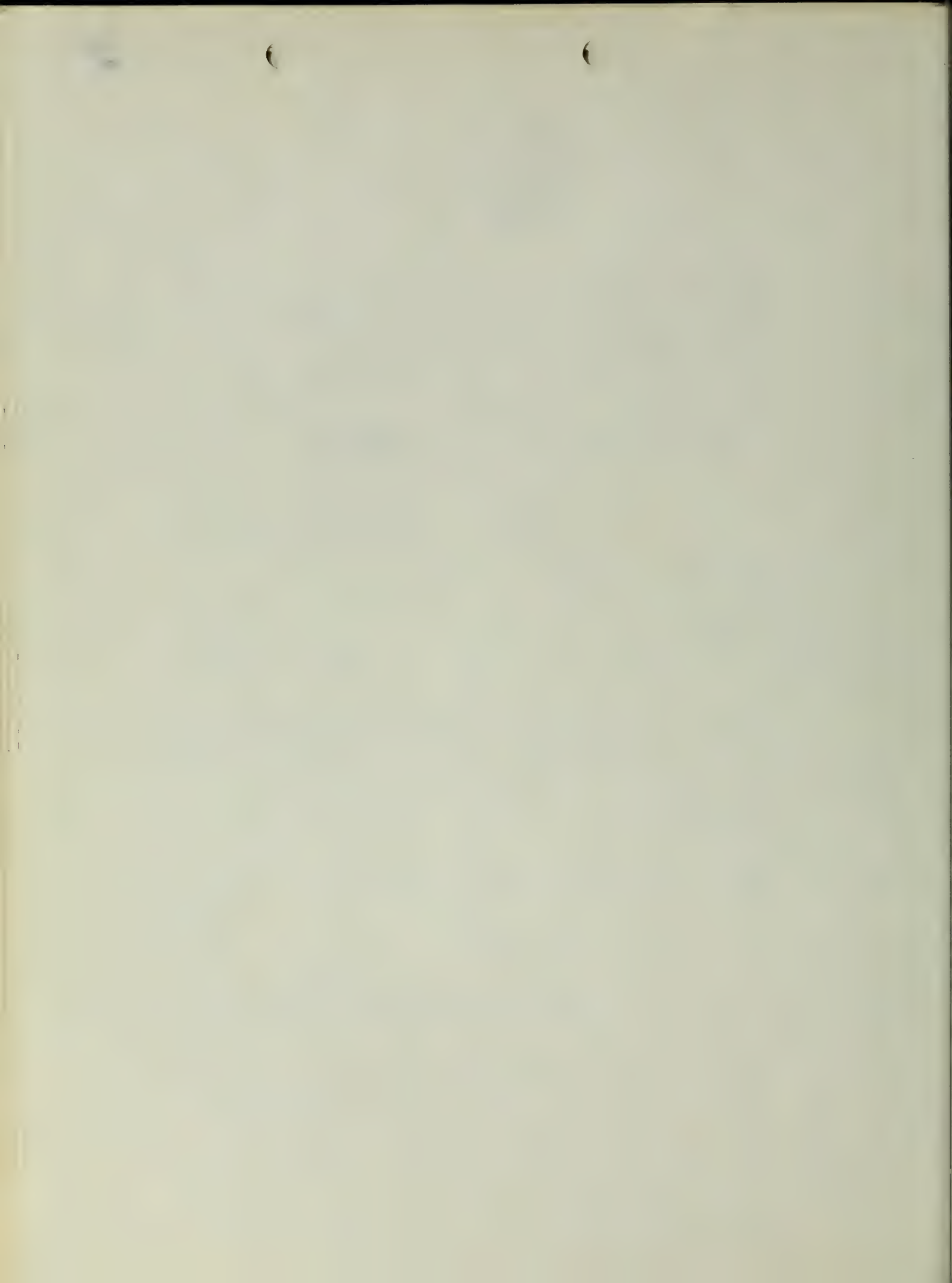
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE DISCHARGE OF THE GRIEVANT ROBERT MAFFIO BY THE COMPANY ON 11/19/75 WAS FOR JUST CAUSE! THE GRIEVANCE IS THEREFORE DENIED!"

BY THE BOARD:

  
William M. Hooben, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 30, 1976

In the matter of the joint application for arbitration of a controversy between

COSTA COAST COMPANY

and

ART. 61 - 1976

TEAMSTERS LOCAL UNION NO. 25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE BOARD HAS DECIDED THAT THE EMPLOYER'S PROPOSED CHANGES TO THE CONTRACT ARE NOT PERMISSIBLE."

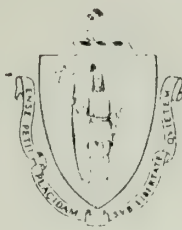
BY THE BOARD:

William H. Benson, Assoc. Commissioner

Alfred Dyer, Assoc. Commissioner



61



# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 27, 1976

*In the matter of the joint application for arbitration of a controversy between*

SPAULDING, DIVISION OF QUESTOR CORPORATION

and

OFFICE AND PROFESSIONAL EMPLOYEES, LOCAL #269 AFL-CIO

ARB. 70 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE GRIEVANCE REQUESTING PAYMENT OF WAGES FOR  
BARGAINING UNIT EMPLOYEES FOR THE DAY AFTER  
THE POWER FAILURE IS DENIED."

BY THE BOARD:

Alford Dyson  
ALFORD DYSON, ASSOCIATE COMMISSIONER

Selma Gottlieb  
SELMA GOTTLIEB, ASSOCIATE COMMISSIONER





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

March 16, 1976

*In the matter of the joint application for arbitration of a controversy between*

FRIGOR KITCHEN'S, INC.

AND

Arb. 67 - 1976

TEAMSTERS LOCAL #59

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company did violate the contract by having a worker from the Maritime Terminal drive the truck normally driven by Kenneth Pacheco on Monday, December 22, 1975.

The Company shall forthwith pay Kenneth Pacheco for the hours of work he would have performed had he been recalled to work on December 22, 1975, and also for the Christmas and New Year's Holiday Pay he was deprived of by not being recalled to work.

BY THE BOARD:

Alford Dyson  
Alford Dyson, Assoc. Commissioner

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner







2/25  
Awarded to Union  
letter sent to  
D. A. L. and

63

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

March 24, 1976

In the matter of the joint application for arbitration of a controversy between

ALDEN CORRUGATED CONTAINER CORP.

AND

ARB. 55 - 1976

TEAMSTERS, CHAUFFEURS, WAREHOUSE AND  
HELPERS, LOCAL UNION NO. 50

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:  
THE COMPANY DID NOT VIOLATE ARTICLE 7.10 OF THE CONTRACT IN FAILING TO RECALL PHILLIP W. SYLVIA TO WORK. THE GRIEVANCE WAS NOT FILED TIMELY AND IS THEREFORE DENIED.

BY THE BOARD:

Alford Dyson  
Alford Dyson, Assoc. Commissioner

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** March 24, 1976

*In the matter of the joint application for arbitration of a controversy between*

CORENCO CORPORATION

AND

ARB. 90 - 1976

TEAMSTERS, LOCAL #49

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THERE WAS NOT JUST CAUSE FOR THE DISCHARGE OF FREDERICK ROURKE ON JANUARY 28, 1976. THE COMPANY IS DIRECTED TO RESTORE SAID GRIEVANT TO HIS PRIOR JOB FORTHWITH WITHOUT ANY LOSS OF SENIORITY OR OTHER CONTRACT BENEFITS. THE REQUEST FOR LOSS OF EARNINGS AND INSURANCE BENEFITS IS DENIED."

BY THE BOARD

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

March 31, 1976

*In the matter of the joint application for arbitration of a controversy between*

KASANOFS BAKING COMPANY

AND

ARB. 78 - 1976

B.C.I.U. OF AMERICA LOCAL #20

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE GRIEVANCE IS NOT ARBITRABLE."

BY THE BOARD:

Alford Dyson, Assoc. Commissioner

*Silma P. Gottlieb*  
Silma P. Gottlieb, Assoc. Commissioner



675



# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

March 31, 1976

*In the matter of the joint application for arbitration of a controversy between*

LAMBETH CORPORATION

AND

TEXTILE WORKERS UNION OF AMERICA, AFL-CIO

LOCAL #1124

ARB. 95 - 1976

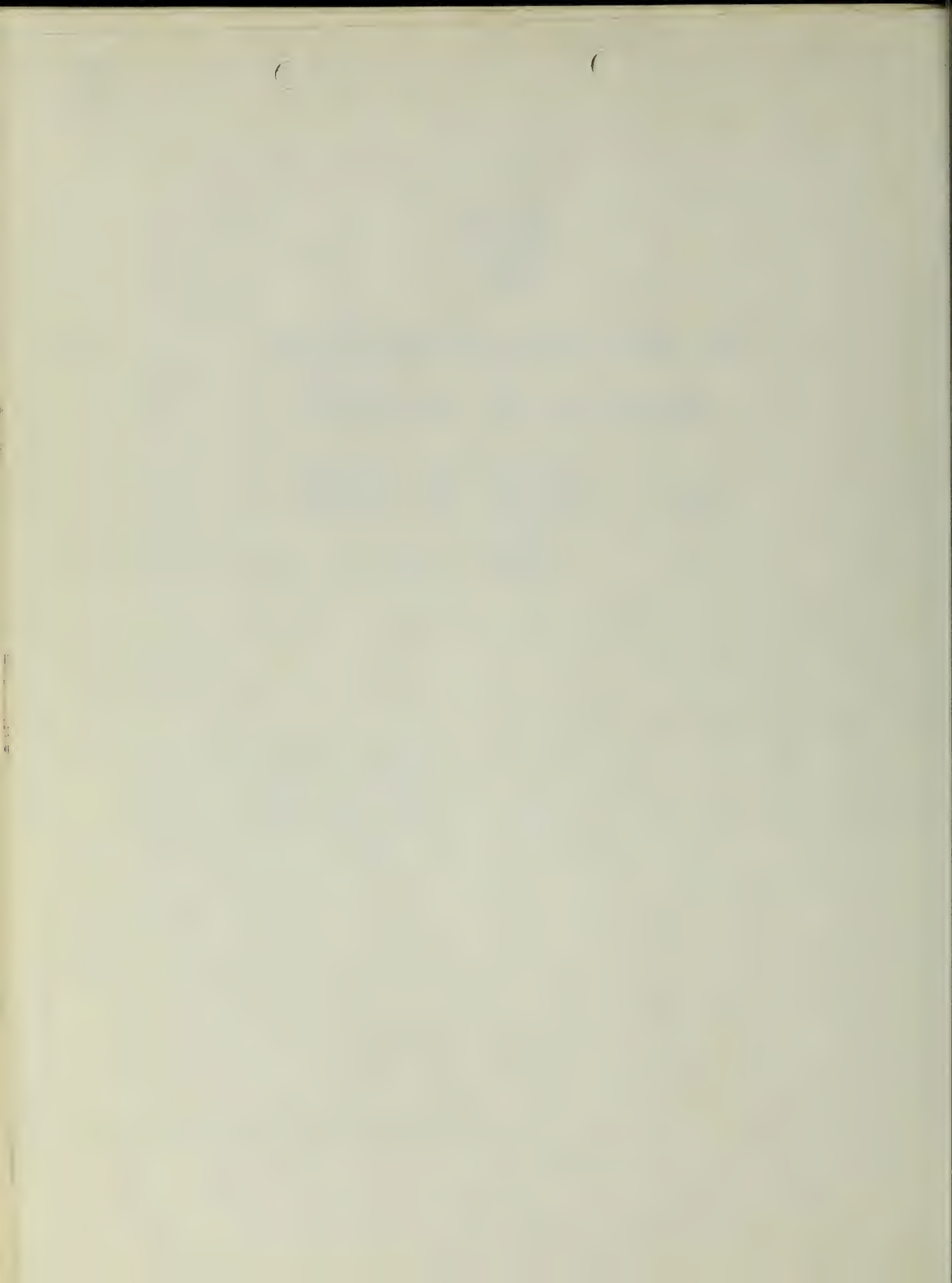
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID VIOLATE ARTICLE #3 - (E) OF THE LABOR CONTRACT BY NOT PAYING JOAQUIN MAFIELLO AND FELIZBERTO DE PRACA EIGHT (8) HOURS REPORTING PAY.

THE COMPANY IS DIRECTED TO PAY BOTH THE GRIEVANTS AN ADDITIONAL SEVEN (7) HOURS PAY.

FOR THE BOARD:

*Alford Dusen*  
Alford Dusen, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

April 7, 1976

*In the matter of the joint application for arbitration of a controversy between*  
JONES & VINING

and

ARB. 91 - 1976


LAST MAKERS, LOCAL #28 AFL-CIO-CLC

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THERE WAS NOT JUST CAUSE FOR THE DISCHARGE OF ANASTACIO GONZALEZ. THE COMPANY IS DIRECTED TO RESTORE SAID GRIEVANT TO HIS PRIOR JOB AND MAKE HIM WHOLE WITHOUT ANY LOSS OF SENIORITY FORTHWITH.

THE COMPANY IS DIRECTED TO PAY HIM FOR ANY LOSS OF WAGES FROM MARCH 23, 1976 TO THE DAY HE IS REINSTATED."

BY THE BOARD:

  
ALFORD PYSON, ASSOCIATE COMMISSIONER







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

April 7, 1976

*In the matter of the joint application for arbitration of a controversy between*

D. W. WHITE TRUCKING CO., INC.

AND

ARB. 105-1976

TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS  
LOCAL UNION NO. 59

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID VIOLATE ARTICLE 6 (B) ENTITLED "SENIORITY" BY NOT RECALLING NORMAN MEDEIROS, THE SENIOR LAID OFF EMPLOYEE TO WORK. THE COMPANY SHALL COMPENSATE HIM FOR ALL WORK OPPORTUNITIES LOST, DURING THE PERIOD THAT KINGSLAND ALVES WAS INCORRECTLY RECALLED TO WORK INSTEAD OF THE GRIEVANT.

BY THE BOARD:

Alford Dyson  
Alford Dyson, Assoc. Commissioner

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

April 28, 1976

*In the matter of the joint application for arbitration of a controversy between*

CITY OF NEWBURYPORT AND THE INTERNATIONAL  
BROTHERHOOD OF POLICE OFFICERS  
LOCAL #431

ARB. 133-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

#### 1. EDUCATIONAL INCENTIVE PAYMENTS GRIEVANCE

The City of Newburyport did violate Article XVIII of the Collective Bargaining Agreement between the City and the International Brotherhood of Police Officers, Local #431 by its refusal to compensate police officers who have satisfactorily completed accredited courses in accordance with the provisions of Chapter 835 of the Acts of 1970 (G.L.c. 41, s 108L)

"The City is directed to pay each employee of the bargaining unit the difference between the amount of compensation specified in Chapter 835, Acts of 1970 and the amount actually paid such employee if any from the initial date of presentation by said employee of evidence of completion of such accredited courses."

(Award continued over)







5/6  
Award letter sent  
by Board  
to Boston

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

May 6, 1976

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF AGAWAM

AND

ARB. 106-1976

AGAWAM PUBLIC SCHOOL CUSTODIANS &  
MAINTENANCE ASSOC.

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE TOWN OF AGAWAM DID VIOLATE ARTICLE 7, PARAGRAPH 2 OF THE CURRENT LABOR AGREEMENT.

THE TOWN IS DIRECTED TO PAY EACH EMPLOYEE WHO WAS TRANSFERRED TO A POSITION WITH A HIGHER WAGE SCALE THE DIFFERENCE BETWEEN WHAT HE RECEIVED AND WHAT HE SHOULD HAVE RECEIVED UNDER THE TERMS OF ARTICLE 7 PARAGRAPH 2 OF THE CONTRACT."

BY THE BOARD:

*Alford Dyson*

Alford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*

Selma R. Gottlieb, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

April 27, 1976

*In the matter of the joint application for arbitration of a controversy between*

BRANDEIS UNIVERSITY

and

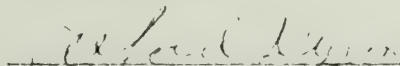
SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL #254, AFL-CIO      ARB. 80-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE UNIVERSITY DID NOT VIOLATE THE TERMS OF THE  
COLLECTIVE BARGAINING AGREEMENT ARTICLE XIII ENTITLED  
"CALL IN PAY."

THE GRIEVANCE IS DENIED."

BY THE BOARD:

  
ALFORD DYSON, ASSOCIATE COMMISSIONER

  
SELMA GOTLIEB, ASSOCIATE COMMISSIONER



*original sent 78*



# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

April 28, 1976

*In the matter of the joint application for arbitration of a controversy between*

PROLAPSEZ NEW ENGLAND COMPANY

AND

Arb. 75 - 1976

LOCAL 1908 U.M.W.A.

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"There was not just cause for the discharge of Chester Kirker on January 12, 1976. The Company is directed to restore said grievant to his prior job forthwith without any loss of seniority or other contract benefits. The Company is directed to pay him back pay from January 7, 1976 through February 23, 1976.

AT THE BOARD:

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

*Selma P. Gottlieb*  
Selma P. Gottlieb, Assoc. Commissioner







*Award & letters  
sent -  
Gottlieb -  
Alison -  
for plants -*

77

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

May 11, 1976

*In the matter of the joint application for arbitration of a controversy between*

ALDEN CORRUGATED CONTAINER CORP.

AND

ARB. 107-1976

UNITED PAPERWORKERS INTERNATIONAL UNION

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"THE COMPANY DID NOT VIOLATE THE TERMS OF THE LABOR AGREEMENT BY TRANSFERRING RONALD WOOD TO ANOTHER POSITION AT HIS REQUEST AND DID NOT DEPRIVE HIM OF PRESS OPERATOR'S PAY. THE GRIEVANCE IS DENIED."

BY THE BOARD:

Alford Dyson  
Alford Dyson, Assoc. Commissioner

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON May 18, 1976

*In the matter of the joint application for arbitration of a controversy between*

ARA FOOD SERVICES INC.

and

Arb. 102-1976

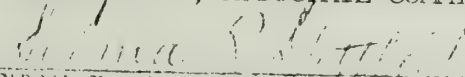
TEAMSTERS LOCAL UNION #841

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"There was just cause for the discharge of Rodney Brown.  
The grievance is denied."

BY THE BOARD:

  
ALFORD DYSON, ASSOCIATE COMMISSIONER

  
SELMA R. GOTTLIEB, ASSOCIATE COMMISSIONER







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

May 18, 1976

*In the matter of the joint application for arbitration of a controversy between*

SOBIN CHEMICALS, INC.

and

ARB. 108 - 1976

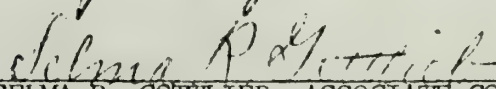
TEAMSTERS UNION LOCAL #25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The grievance is time barred."

BY THE BOARD:

  
ALFORD DYSON, ASSOCIATE COMMISSIONER

  
SELMA R. GOTTLIEB, ASSOCIATE COMMISSIONER





*726  
Approved & Forwarded  
Letter sent  
T. Easton  
R. Johnson*

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

May 26, 1976

*In the matter of the joint application for arbitration of a controversy between*

CLIQUOT CLUB COMPANY

AND

Arb. 88 - 1976

TEAMSTERS UNION LOCAL 25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"There was just cause for the discharge of Roger Guerard and Raymond Morgan. The grievance is denied."

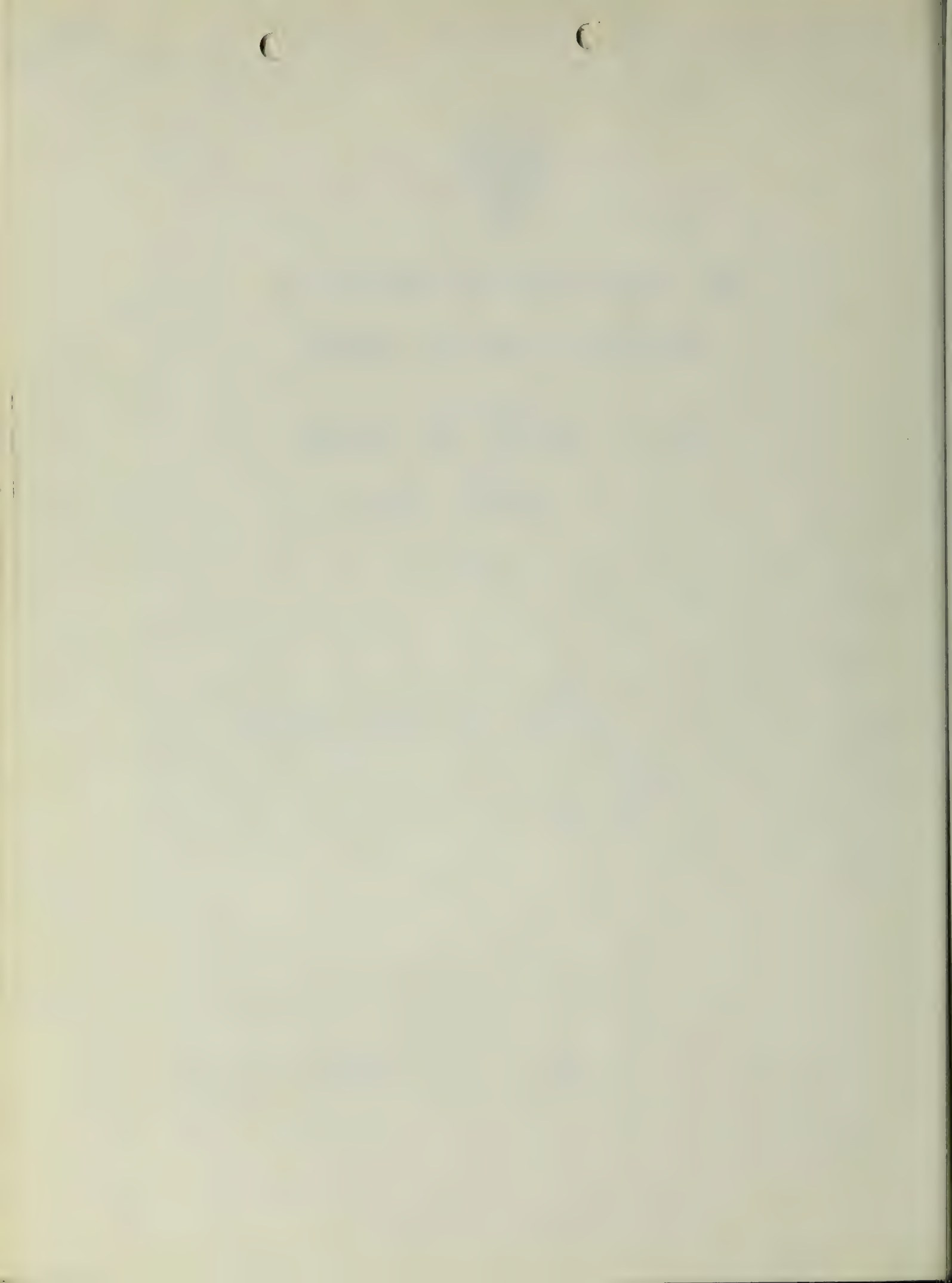
BY THE BOARD:

*Alford Dyson*

Alford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*

Selma R. Gottlieb, Assoc. Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

June 9, 1976

*In the matter of the joint application for arbitration of a controversy between*

CORENCO CORPORATION

AND

ARB. 96 - 1976

LOCAL UNION #49, TEAMSTERS

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

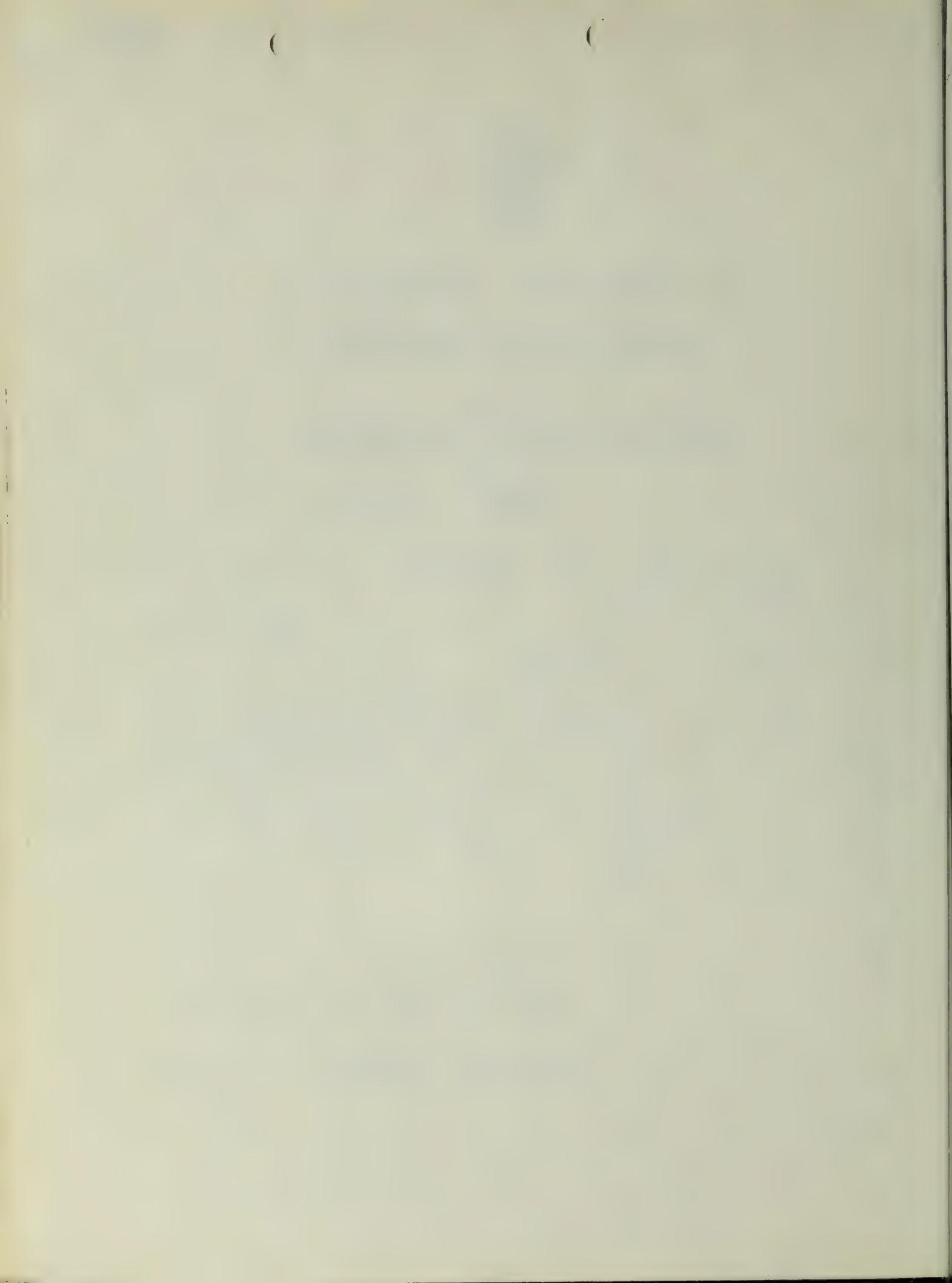
"THERE WAS JUST CAUSE FOR THE DISCHARGE OF RICHARD KING.  
THE GRIEVANCE IS DENIED."

BY THE BOARD:

Alford Dyson  
Alford Dyson, Associate Commissioner

Selma R. Gottlieb  
Selma R. Gottlieb, Associate Commissioner







4/5 10/9/76  
conducted  
Billerica  
Billerica

78

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 16, 1976

*In the matter of the joint application for arbitration of a controversy between*

Town of Billerica

and

Billerica Firefighters Local #1495

IAFF

Arb. 93-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

- "(1) The Town of Billerica did violate Article II Section #4 of the Labor Agreement by not filling the vacancies within 30 days.

The Town is directed to fill the 12 vacancies forthwith by calling back off duty firefighters to cover the 12 vacancies until such positions are filled. The Town is further directed to cease and desist from reducing the number of firefighters at any station without bargaining and that the employer restore the same number (3) of firefighters previously assigned to outlying stations and to make whole all firefighters for overtime payment they would have earned had the contract not been violated. The payment they shall receive shall be in accordance with Union Exhibit #4 as amended through May 11, 1976 as contained in the Union brief as submitted to the Board and any further payment after that date.





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** June 21, 1976

*In the matter of the joint application for arbitration of a controversy between*

Middleboro Redi-Mix d/b/a Remco Concrete  
and

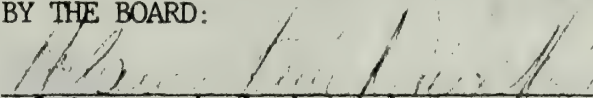
Teamsters Union Local #59

Arb. 110 - 1976

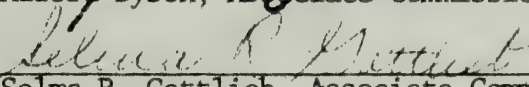
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The grievance is upheld. The grievant is entitled to pay for March 23, 1976."

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Associate Commissioner

deprived of work in violation of the seniority provision contained







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

June 28, 1976

*In the matter of the joint application for arbitration of a controversy between*

FOREST HILLS CEMETERY

AND

OIL, CHEMICAL AND ATOMIC WORKERS INT'L  
UNION AFL-CIO

ARB. 100-1076

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

*Selma Gottlieb*  
Selma Gottlieb, Assoc. Commissioner





*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

ANNUAL REPORT OF THE  
MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

The Massachusetts Board of Conciliation and Arbitration has the responsibility for administering procedures for resolving collective bargaining impasses under the State Collective Bargaining Law and provides a mediation service and a grievance procedure for private industry within the Commonwealth. In the public sector, the Board's procedures comprise mediation, fact-finding, interest arbitration and grievance arbitration. In the private sector the procedures comprise mediation and grievance arbitration.

The Board is composed of three Associate Commissioners, one representing labor, one management and one sitting as the neutral member.

It is the duty of the Commissioners to hear arbitration cases which arise during the life of collective bargaining agreements in both the public and private sectors. In addition to the Commissioners, the Board maintains Counsel, a staff of full time mediators and a support staff.

GOVERNMENT DOCUMENTS  
COLLECTION

JUL 22 1980

University of Massachusetts  
\*\*\*\*\*  
Depository Copy



# BOARD OF CONCILIATION AND ARBITRATION

## MEDIATION AND FACTFINDING

CASE DISPOSITIONS AS OF January 30, 1980\*

<u>PUBLIC SECTOR</u>	<u>1978</u>	FISCAL <u>1979</u>	<u>1980</u>
Settled in Mediation	173	202	50
Still in Mediation	3	5	47
In Factfinding	1	18	17
Settled during Factfinding	35	23	0
Settled after Factfinding	35	14	1
Negotiating after Factfinding	<u>0</u>	<u>0</u>	<u>2</u>
TOTAL	247	262	117*

<u>POLICE/FIRE</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Settled in Mediation	50	62	3
Still in Mediation	0	2	2
In Factfinding	0	23	1
Settled during Factfinding	20	8	0
Settled after Factfinding	17	8	0
Negotiating after Factfinding	0	9	0
Petitioned for Final Offer	10	7	0
Sent to Joint Mg't Labor Committee (Dunlop)	<u>0</u>	<u>15</u>	<u>1</u>
TOTAL	97	139	7





FISCAL YEAR 1978

Total Cases Received 168

Cases Withdrawn or Settled 47

Cases Closed Other Than by Formal Award 3

To: JLMC 1

To: RA 2

Awards Rendered 28

Total FY 78 pending at Close of FY 78 90

Total FY 78 Cases Disposed of in FY 78 78

- - - - -

FY 77 Cases: Pending at Beginning of FY 78 55

FY 77 Cases: Settled or Withdrawn in FY 78 23

FY 77 Cases: Awards in FY 78 26

FY 77 Cases: AAA in FY 78 3

FY 77 Cases: Pending at Close of FY 78 3

- - - - -

FY 76 Cases: Pending at Beginning of FY 78 3

FY 76 Cases: Pending at Close of FY 78 3

- - - - -

FY 75 Cases: Pending at Beginning of FY 78 1

FY 75 Cases: Pending at Close of FY 78 1

- - - - -

Total Cases on Docket During FY 78 227

Total Cases Disposed of in FY 78 130



Ayer	4
B. F. Perkins Division of Standex Corp.	37
Belmont	44
Bicknell-Fuller Corrugated Container Corp.	23
Boston Commuter Lines	43
Brookline Red Cab Co.	50
Concord Steel Corp.	35
Costo Fruit and Produce Co.	39
Cressey-Dockham Co. Inc.	17, 41
Dighton	49
Eastern Tank of Peabody Inc.	25
Essex Agricultural and Technical Institute	19
Forest Hills Cemetery	47
Freetown Screw Co.	40
Gas Inc.	30
Great Atlantic and Pacific Tea Co.	38
Greater Lawrence Regional School Committee	22
Heminway Transport Inc.	18
Hertz Corp.	34
<i>Hickman (owner of)</i> Indianhead Truck Lines	45
John Donnelly and Sons	24
Keebler Co.	10
Lily Transport Lines	14
Marble Motors Co.	5, 16
Malboro	11
Michaud Bus Lines	12





Mohawk Beverages Inc.	15
National Press Corp. Inc.	21
New England Liquor Sales Co. Inc.	26
Northeast Regional High School	10, 9
Old Colony Crushed Stone Co.	46
Reichhold Chemical Co.	31, 32
Seven Up Bottling Co.	33
Silvia Press Co.	28
Statler Office Bldg.	36
Tewksbury	3
Torngren/Spincraft	13, 48
West Springfield	20, 27, 29
Westwood Cortage	6
Woburn	2, 7, 8, 42
Worcester	1





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

July 1, 1977

*In the matter of the joint application for arbitration of a controversy between*

SCHOOL COMMITTEE OF WORCESTER and  
WORCESTER MECHANICS ASSOCIATION  
and  
PLUMBERS AND STEAMFITTERS ASSOCIATION

A - 45 1977  
A - 46

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The City unilaterally installed a time clock without negotiating. The installation of the time clock did not constitute a violation of the contract. The grievance is arbitrable.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner



1(a)



# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

July 1, 1977

*In the matter of the joint application for arbitration of a controversy between*

NORTHEAST METROPOLITAN REGIONAL VOCATIONAL SCHOOL COMMITTEE

AND

NORTHEAST TEACHERS' ASSOCIATION

ARB. 154-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is arbitrable under the laws of the Commonwealth and the agreement. The School Committee violated the agreement when it failed to renew Ms. Murley's appointment. The School Committee shall pay back wages less monies earned to Ms. Murley for the academic year 1976-1977, and shall reinstate her to the same or as nearly comparable a position as possible for the 1977-78 academic year.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

July 6, 1977

*In the matter of the joint application for arbitration of a controversy between*

**CITY OF WOBURN**

and

**INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS, LOCAL 313 Arb. 65-1977**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The City of Woburn is in violation of Article V, Sections 4 and 5 of the collective bargaining agreement with respect to the signing of complaints and appearances in Court by police officers. The Board orders the City of Woburn to pay those officers who would have appeared in Court had the contract not been violated, the monies for their appearances. The Board retains jurisdiction of this case for sixty days in order to resolve any controversy between the parties that may arise in the computation and determination of the damages.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





*Handwritten note:*  
Award? opinion letter sent to Zarnicki & Lafferty Inc.

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

July 6, 1977

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF TEWKSBURY AND

ARB. 77 - 1977

TEWKSBURY FIREFIGHTERS LOCAL 1647

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The grievance is arbitrable. The contract requires the Town to pay senior firefighters, acting and performing the functions of a lieutenant, a lieutenant's salary. The Town is directed to pay those senior firefighters who have been performing the duties and responsibilities of a lieutenant the difference in salary between their salaries and the next higher grade in accordance with Article VI, Section 1.d from January 16, 1977.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts  
DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

July 6, 1977

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF AYER  
and

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS, LOCAL 146 Arb.96-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

July 11, 1977

*In the matter of the joint application for arbitration of a controversy between*

MARBLE MOTOR COMPANY

and

TEAMSTERS LOCAL #437

ARB. 67-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company violated the agreement by reducing the work week on January 3, 1977.

Each bodyman and production worker in the bargaining unit who was scheduled for fewer than 45 hours per week during the period from and after January 3, 1977 until the restoration of the 45 hour work week two weeks and two days later for the bodymen and on March 18, 1977 for the production workers, and who would have been retained if layoffs of junior employees had been instituted pursuant to Article VIII of the contract, shall be made whole for time lost by reason of the regularly scheduled work week being shorter than 45 hours during that period

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissi







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON July 11, 1977

*In the matter of the joint application for arbitration of a controversy between*

WESTWOOD CARTAGE

AND

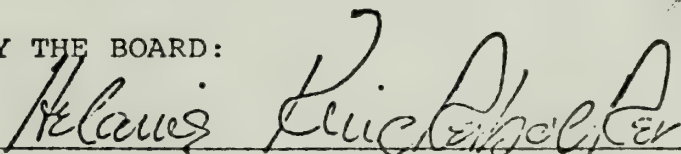
Arb. 119-1977


LOCAL #42 - Teamsters Union

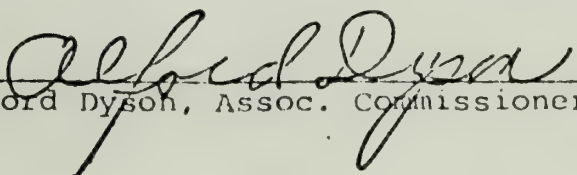
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The booking procedure used by the Company is correct. The grievance is without merit and is dismissed.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







7  
*Armed & dangerous letter sent in*

**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

July 13, 1977

*In the matter of the joint application for arbitration of a controversy between*

CITY OF WOBURN

AND

ARB. 86-1977

LOCAL #313 I.B.P.O.

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 8, 1977

*In the matter of the joint application for arbitration of a controversy between*

CITY OF WOBURN  
and  
LOCAL 313 IBPO

ARB. 102-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







*Award & Sent* 9

**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

September 16, 1977

*In the matter of the joint application for arbitration of a controversy between*

Northeast Teachers Association

and

Northeast Regional Vocational School Committee Arb. 95-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the agreement in their placement of Ms. Susan Murley on the salary schedule. The School Committee is ordered to place her on that step which will give her full credit for her bachelor's degree plus 30 hours towards her master's degree.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON September 21, 1977

*In the matter of the joint application for arbitration of a controversy between*

Keebler Company

and

Truck Drivers & Helpers Local No. 170 A-1 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

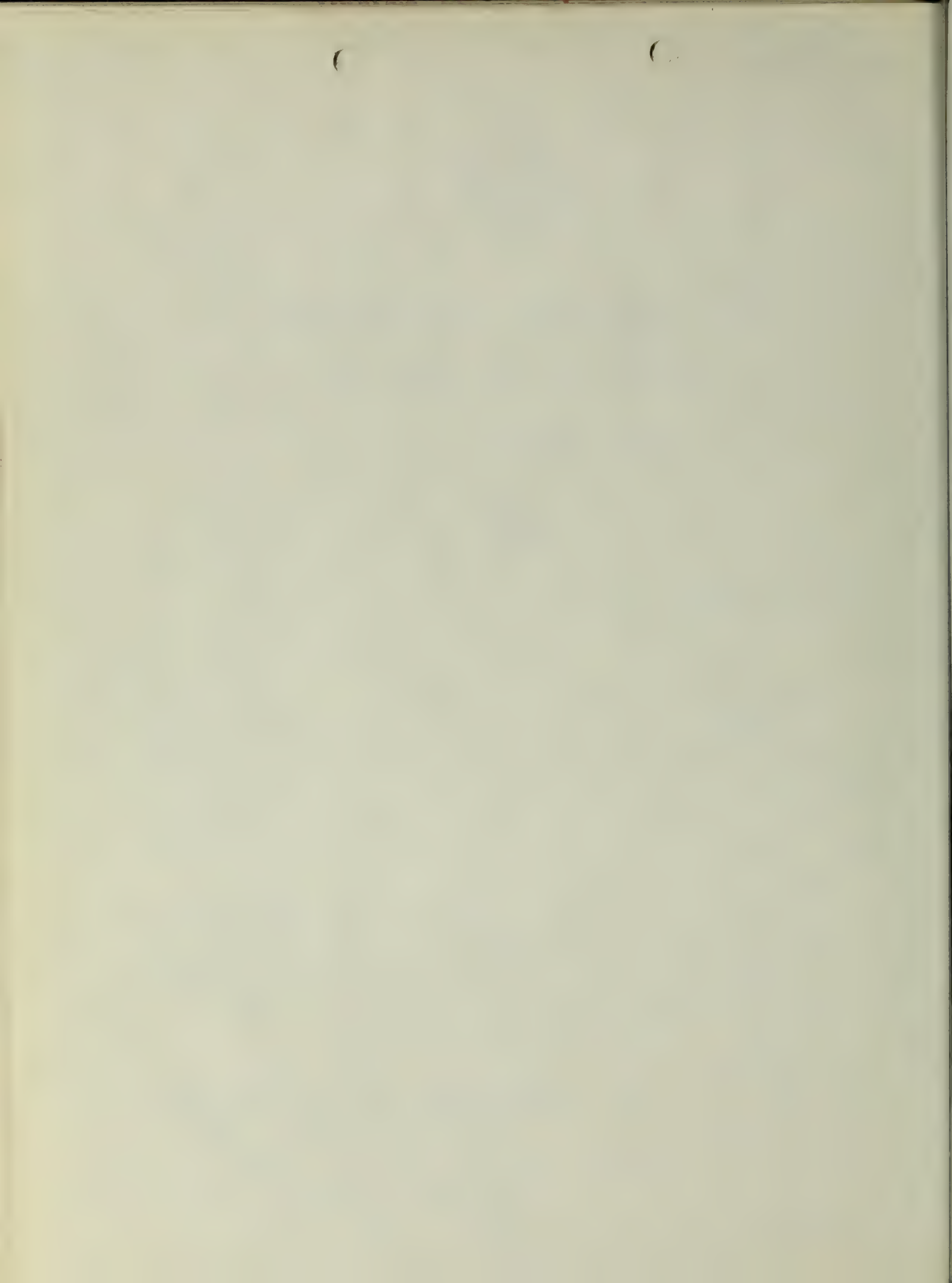
The company discharged the grievant without just cause. The company is directed to reinstate the grievant forthwith with back pay less monies received and with full rights and benefits and seniority unimpaired. The company is further directed to tailor the grievant's duties to his capabilities and the union and the grievant are directed to cooperate fully with the company in these efforts.

By the Board:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gattlieb*  
Selma R. Gattlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

September 28, 1977

*In the matter of the joint application for arbitration of a controversy between*

MARLBOROUGH SCHOOL COMMITTEE

ARB. 97-1977

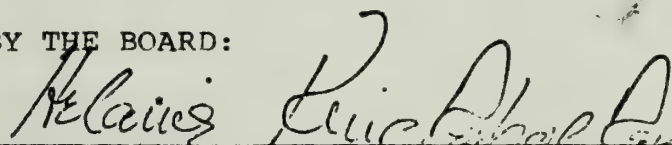
AND

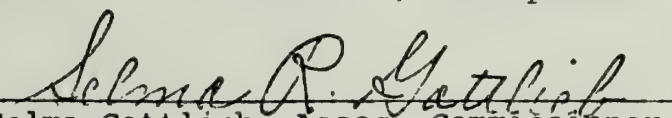
LOCAL 254, SERVICE EMPLOYEES INTERNATIONAL  
UNION, AFL-CIO

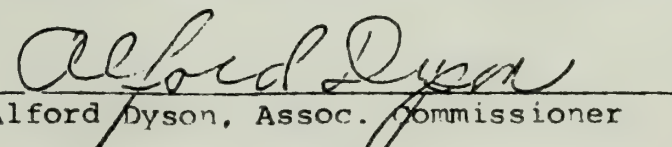
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS DENIED.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

October 19, 1977

*In the matter of the joint application for arbitration of a controversy between*

MICHAUD BUS LINES

AND

LOCAL #42, TEAMSTERS

ARB. 140-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANT WAS DISCHARGED FOR JUST CAUSE.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 4, 1977

*In the matter of the joint application for arbitration of a controversy between*

TORNADO / SPINCRRAFT

ALL

LOCAL UNION #49

147  
APP. B - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS WITHOUT MERIT AND IS DISMISSED.

BY THE BOARD:

*Relaine Knickerbocker*  
Relaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 20, 1977

*Received  
R-10-1*

*In the matter of the joint application for arbitration of a controversy between*

Lily Transport Lines

and

Teamsters Union Local #49

Arb. 141-1977

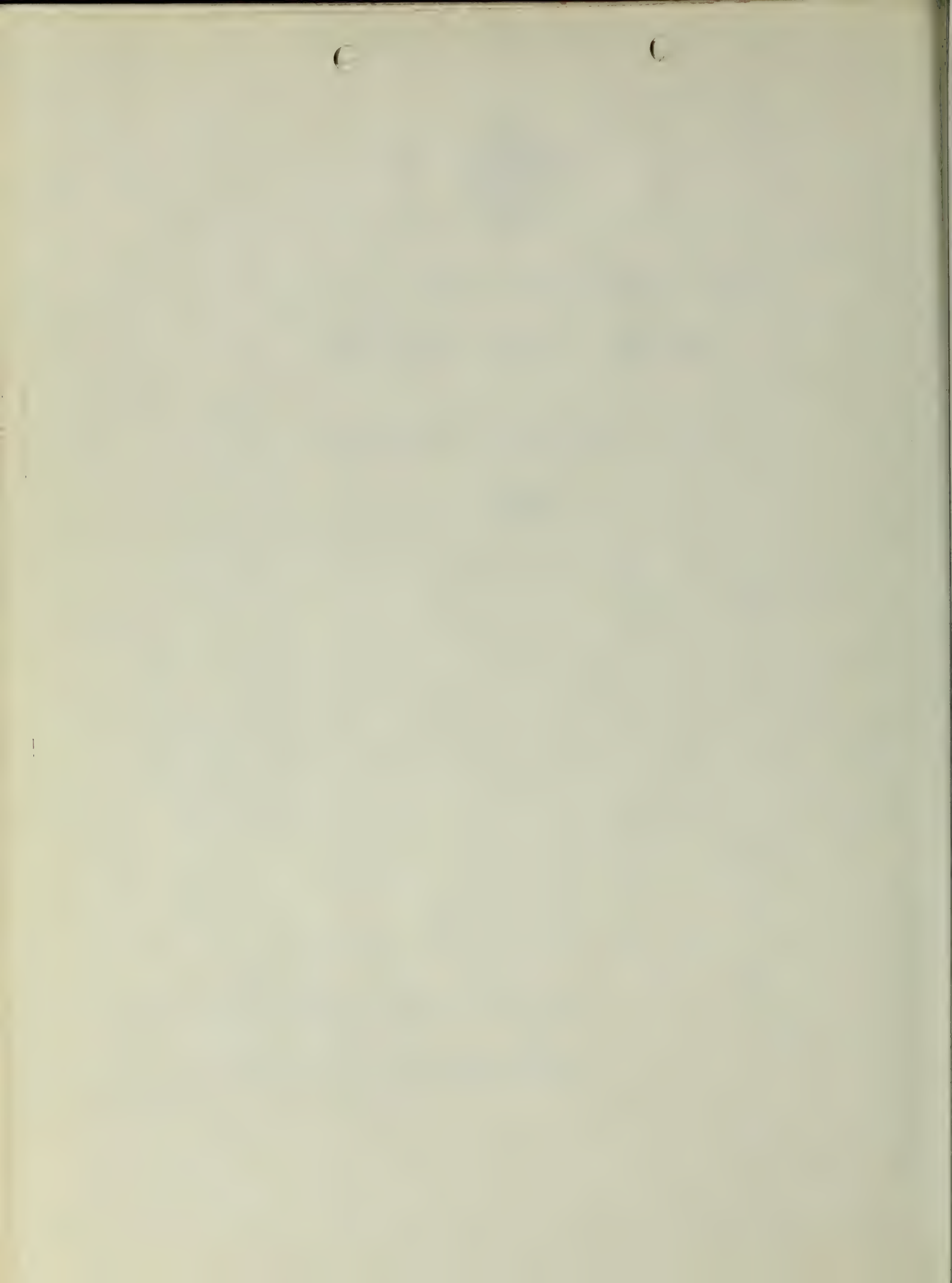
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 17, 1977

*In the matter of the joint application for arbitration of a controversy between*

MOHAWK BEVERAGES, INC.

AND

TEAMSTERS LOCAL UNION NO. 404

Arb. 13 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause.

The grievant shall be suspended from work for a period of one week. The company is directed to reinstate the grievant forthwith with back pay, less the one week's suspension and less monies received, with full rights and benefits and seniority unimpaired.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Comm.

*Alfred Dyson*  
Alfred Dyson, Associate Comm.





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON November 25, 1977

*In the matter of the joint application for arbitration of a controversy between*

MARBLE MOTOR COMPANY  
and  
TEAMSTERS LOCAL #437

Arb. 106-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company violated the contract when it subcontracted undercoating, rust-proofing, greasing, road testing, washing, inspecting of mechanical parts, and checking of fluid levels on or about February 28, 1977. The company did not violate the contract when it subcontracted new car cleaning, polishing, and installing of hub caps and of throw mats on or about February 28, 1977. To the extent that the grievants would have been recalled from layoff to perform those functions enumerated above which were impermissibly subcontracted on or about February 28, 1977, the company shall make the grievants whole, less monies received with full rights and benefits and seniority unimpaired.

By the Board:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON November 30, 1977

*In the matter of the joint application for arbitration of a controversy between*

Cressey-Dockham Company, Inc.

and

Local #42

Arb. 110 - 1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS WITHOUT MERIT AND IS DISMISSED.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 6, 1977

*In the matter of the joint application for arbitration of a controversy between*

HEMINWAY TRANSPORT INC.

AND

ARB. 126-1977

TEAMSTERS LOCAL #6

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant Terrance O. Davis was discharged. The discharge is without just cause. He shall be reinstated forthwith to his former position with full compensation for lost time and full restoration of all other rights and benefits less earnings from gainful employment.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

December 8, 1977

*In the matter of the joint application for arbitration of a controversy between*

ESSEX AGRICULTURAL AND TECHNICAL  
INSTITUTE

AND

HAWTHORNE TEACHERS FEDERATION, #1269

ARB. 138-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

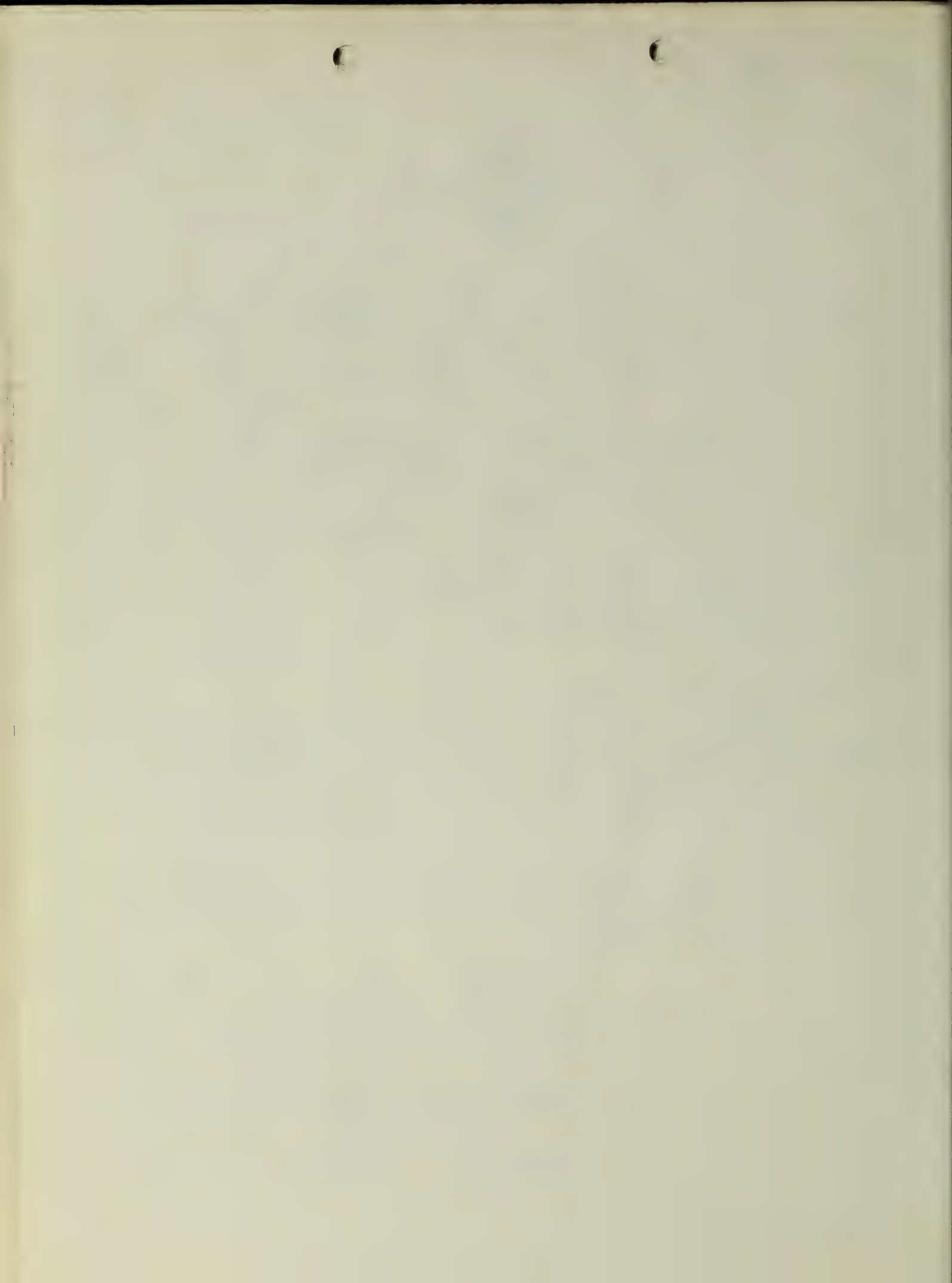
The payment to the grievant John Konevich was not in accordance with the labor agreement. The Institute shall fulfill his contract by paying him one-twelfth of his annual salary for the months of July and August 1977 forthwith.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





## DEPARTMENT OF LABOR AND INDUSTRIES

## BOARD OF CONCILIATION AND ARBITRATION

BOSTON

1) working. 12. 1977

WASH ST DEPT OF LICENS COMBATANT

22

UNITED STATES EDUCATION ASSOCIATION

A. 375-1077

4. 1. 1957

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

[illegible]

1890

Wm. B. Ewing, Esq.  
St. Louis, Mo.





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 16, 1977

*In the matter of the joint application for arbitration of a controversy between*

NATIONAL PRESS CORPORATION, INC.

AND

ARB. 26-1978

BOSTON TYPOGRAPHICAL UNION NO. 13

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The company violated the current collective bargaining agreement when it refused to give bargaining unit employees a day off in lieu of Christmas Day, 1976 and in lieu of New Year's Day, 1977. The company shall give the employees two compensatory days off in lieu of said holidays. Mr. Pauli shall receive two days' compensation in lieu of said off days.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ADJUSTMENT

BOSTON

December 23, 1976

In the matter of the joint application for arbitration of a grievance between

Team of Hopkinton and AFSOIN, Council # 23 Ark 15-1976

The Board, having afforded the parties and the public a full opportunity to present testimony, oral and in writing, and to examine and cross-examine witnesses at the hearing, and having heard the issue (s) submitted by the parties, and having carefully weighed the evidence bearing on the issue (s), hereby orders that:

There is a just cause provision in the collective bargaining agreement.

The grievant was discharged without just cause. He shall be reinstated with back pay and full rights and benefits plus monies received.

BY THE BOARD:

*[Signature]*  
Belaine Deane, Secretary

*[Signature]*  
Allford J. Brown, Associate Commissioner

*[Signature]*  
Seth R. Goulet, Jr., Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

December 28, 1977

*In the matter of the joint application for arbitration of a controversy between*

GREATER LAWRENCE REGIONAL TEACHERS FEDERATION LOCAL 1707 AFL-CIO  
and  
GREATER LAWRENCE REGIONAL SCHOOL COMMITTEE ARB. 132-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee is in violation of the collective bargaining agreement by the method in which it computed the monies due the grievant at the time of his resignation on February 1, 1977. The School Committee is directed to pay the grievant monies due him in accordance with Article 4 of the collective bargaining agreement effective September 1, 1977 forthwith.

BY THE BOARD:

*Melaine Knickerbocker*  
Melaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Comm.







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 29, 1977

*In the matter of the joint application for arbitration of a controversy between*

BICKNELL & FULLER CORRUGATED  
CONTAINER CORPORATION

Arb. 135 - 1977

AND

WITCH CITY LOCAL #837

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is hereby dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Assoc. Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alfred D. Dwyer*  
Alfred Dwyer, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 26, 1978

*In the matter of the joint application for arbitration of a controversy between*

John Donnelly & Sons  
and

A25A - 1978

Local # 391, International Brotherhood of Painters & Allied  
Trades AFL-CIO

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company was not justified in deducting the cost of Blue Cross-Blue Shield payments for the period January 1, 1977 to January 15, 1977 from payments made to the employees. The company is ordered to restore such deductions to the employees.

BY THE BOARD:

A handwritten signature in cursive script, reading "Helaine Knickerbocker".

Helaine Knickerbocker, Chairperson

A handwritten signature in cursive script, reading "Selma R. Gottlieb".

Selma R. Gottlieb, Assoc. Commissioner

A handwritten signature in cursive script, reading "Alford Dyson".

Alford Dyson, Assoc. Commissioner





*1/26  
Award opened  
letter sent  
(in)*

25

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 26, 1978

*In the matter of the joint application for arbitration of a controversy between*

EASTERN TANK OF PEABODY, INC.

and

A. L. 50 - 1978

BAKERY AND SALES DRIVERS & HELPERS

LOCAL #686

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company is in violation of the collective bargaining agreement by its refusal to pay sick leave pay, upon termination of employment.

The company is directed to pay the grievant Mariano Anderson five days sick leave pay that he was entitled to under the provisions of Article VIII Sick Leave from the period October 1, 1977 through November 30, 1978, when he ceased his employment on November 1, 1977, forthwith.

BY THE BOARD:

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







1/24  
Annals opening  
sent + Mr Murphy  
Letter  
m  
25

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 26, 1978

In the matter of the joint application for arbitration of a controversy between

NEW ENGLAND LIQUOR SALES CO., INC.

AND

ARB. 18 - 1978

TEAMSTERS LOCAL UNION NO. 404

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

Helaine Knickerbocker, Chairperson

Selma R. Gottlieb, Assoc. Commissioner

Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 2, 1978

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF WEST SPRINGFIELD &

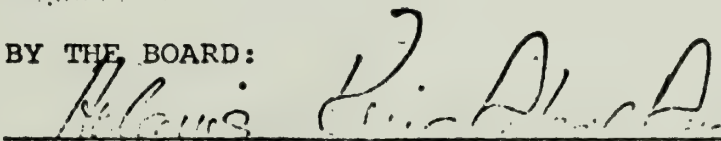
ARB. 2-1978

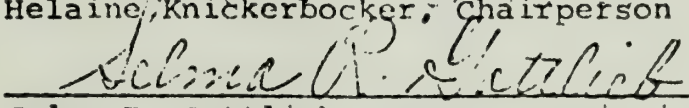
WEST SPRINGFIELD SCHOOL COMMITTEE

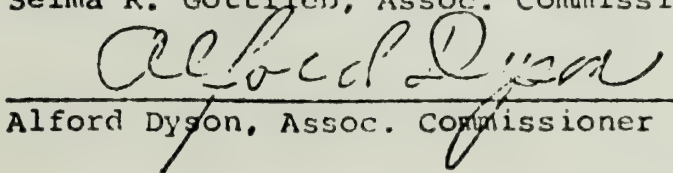
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the collective bargaining agreement when it failed to honor the application of Anne Korbut for a transfer as school nurse from the Work Opportunity Center to West Springfield High School. The School Committee shall transfer Anne Korbut to the West Springfield High School as soon as practicable but not later than the first day following the April 1978 vacation.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

*February 7, 1978*

*In the matter of the joint application for arbitration of a controversy between*

SILVIA DRESS COMPANY

AND

ILGWU

A61 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company was justified in discharging the grievant.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 16, 1978

*In the matter of the joint application for arbitration of a controversy between*

WEST SPRINGFIELD EDUCATION ASSOCIATION AND  
WEST SPRINGFIELD SCHOOL COMMITTEE

A-136-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the collective bargaining agreement by its action in requiring the grievants to assume lunchroom duty from February 4, 1977 to June 16, 1977. The School Committee shall provide the grievants with compensatory time equivalent to that given teachers when serving in such capacity, such time to be taken in a manner agreed upon by the parties, but in no event to be completed later than October 15, 1978. The Board shall retain jurisdiction for the purpose of determining and allocating compensatory time if requested to do so by either party within four weeks of the date of the award.

BY THE BOARD:

*[Signature]*  
Helaine Knechtbocker, Chairman

*[Signature]*  
Alfred DeLeon, Arbitrator





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** February 23, 1978

*In the matter of the joint application for arbitration of a controversy between*

**GAS INCORPORATED**

**and**

**TEAMSTERS LOCAL UNION #49**

**ARB. 19-1978**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Barford Dyson*  
Barford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 23, 1978

*In the matter of the joint application for arbitration of a controversy between*

REICHHOLD CHEMICAL COMPANY

and

OIL, CHEMICAL AND ATOMIC WORKERS LOCAL 8-598 ARB. 37-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The written warning given to Thomas Oliveira was not for just cause. The company shall remove the written warning from his personnel file forthwith.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 24, 1978

*In the matter of the joint application for arbitration of a controversy between*

REICHHOLD CHEMICAL COMPANY  
AND

ARB. 35, 1978

OIL, CHEMICAL AND ATOMIC WORKERS  
LOCAL 8 - 598

The Board, having afforded the Employer and the Union the opportunity to present testimony, exhibits and arguments, to examine and cross-examine witnesses at the hearing, to hear the issue (s) submitted by the parties, and having weighed the evidence bearing on the issue (s), awards as follows:

The Company violated the contract in assigning an outside contractor to unload the barred truck. It is understood that the Company will comply with the contract.

BY THE BOARD:

*Helen Knickerbocker*  
Helen Knickerbocker, Chairperson

*Afford Dyson*  
Afford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON February 24, 1978

*In the matter of the joint application for arbitration of a controversy between*

SEVEN UP BOTTLING COMPANY

and

ARB. 4 - 1978

TEAMSTERS UNION LOCAL #25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant, Arthur Nauss, was suspended without just cause. He shall be reinstated with two days back pay and full rights and benefits.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

March 6, 1978

*In the matter of the joint application for arbitration of a controversy between*  
**HERTZ CORPORATION**

**AND**

**ARB. 21 - 1978**

**TEAMSTERS LOCAL UNION #841**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. She shall be reinstated forthwith without back pay for two weeks and with full rights and benefits and seniority unimpaired.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON March 7, 1978

*In the matter of the joint application for arbitration of a controversy between*

CONCORD STEEL CORPORATION  
and

UNITED STEELWORKERS OF AMERICA AFL-CIO ARB. 34-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON March 16, 1978

*In the matter of the joint application for arbitration of a controversy between*

Statler Office Building

and

Service Employees International Union, Local 254 AFL-CIO Arb.33-78

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The discharge of James Cahill was for just cause within the meaning of the collective bargaining agreement.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

March 24, 1978

*In the matter of the joint application for arbitration of a controversy between*

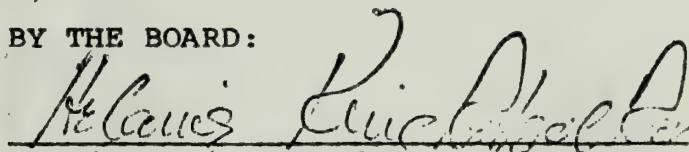
ARB. 12 - 1978

B. F. Perkins Division Standex International Corp.  
and  
D A L V # 23917 - AFL - CIO

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS WITHOUT MERIT AND IS DISMISSED.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

---

**BOARD OF CONCILIATION AND ARBITRATION**

---

**BOSTON**

March 24, 1978

*In the matter of the joint application for arbitration of a controversy between*

**THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.**

**and**


**ARB. 53- 1978**

**TEAMSTERS LOCAL UNION # 404**

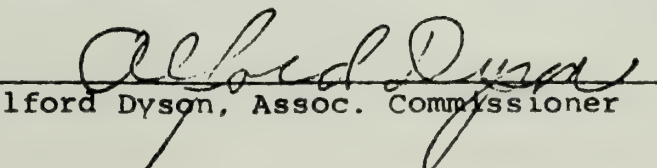
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

**THE GRIEVANCE IS WITHOUT MERIT AND IS DISMISSED.**

**BY THE BOARD:**

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

March 29, 1978

*In the matter of the joint application for arbitration of a controversy between*

COSTA FRUIT AND PRODUCE CO.

AND

ARB. 56-1978

TEAMSTERS UNION LOCAL NO. 25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and it is hereby dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

April 3, 1978

*In the matter of the joint application for arbitration of a controversy between*

FREETOWN SCREW COMPANY

ARB. 57-1978

AND

LOCAL #219 - UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. He shall be re-instated with back pay and full rights and benefits less monies received.

BY THE BOARD

*Helaine Knickerbocker*  
 Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
 Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
 Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

May 9, 1978

In the matter of the joint application for arbitration of a controversy between

CRESSEY DOCKHAM COMPANY, INC.,

and

LOCAL #42, TEAMSTERS

ARB. 28-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is hereby dismissed.

BY THE BOARD:

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson, Concurring



COMMONWEALTH OF MASSACHUSETTS

Before the State Board of Conciliation and Arbitration

-----  
In the Matter of:

( May 5, 1978  
(  
(  
(  
(

CITY OF WOBURN

and

INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS, AFL-CIO  
LOCAL #971

( ARB. 124-1 -1977  
( ARB. 124-2 -1977  
( ARB. 124-3 -1977  
( ARB. 124-4 -1977  
( ARB. 124-5 -1977  
( ARB. 124-6 -1977  
( ARB. 124-7 -1977  
----- ARB. 124-8 -1977  
ARB. 124-9 -1977  
ARB. 124-10-1977  
ARB. 124-11-1977

OPINION OF THE BOARD

Opinion of Commissioner Helaine Knickerbocker, Attorney,  
Chairperson and Public Member, on behalf of the Board.

An arbitration proceeding involving the above-named parties  
was held before the Massachusetts Board of Conciliation and  
Arbitration (hereinafter the Board) on August 2, 1977 and  
August 30, 1977 at the Leverett Saltonstall Building,  
Government Center, Boston, Massachusetts.

Appearing on behalf of the Association were Kathryn M. Noonan,  
Attorney, Lawrence Finn, President, John H. Cormier, Firefighter,  
and John A. McAllister, Firefighter. Appearing on behalf of  
the City were James F. Lawton, Jr., City Solicitor, and Edward  
B. Callahan, Chief Fire Engineer.

Stenographic records of the proceedings were not taken; a brief  
was submitted by the Association.

Originally there was a demand for arbitration of 12 grievances.  
During the course of the hearing Local 971 withdrew one of the  
grievances and testimony and evidence were received on the  
remaining eleven.

The parties stipulated to the following issues:





- 1) Did the City violate Article II, Section 2(b) and (d) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 2) Did the City violate Article III, Section 1(b) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 3) Did the City violate Article III, Section 2(a) and (b) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 4) Did the City violate Article VI, Section 2(b) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 5) Did the City violate Article XIII, Section 2(a) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 6) Did the City violate Article XIII, Section 2(b) of the current collective bargaining agreement?

If so, what shall the remedy be?

- 7) Did the City violate Article II, Section 2 and Article V, Section 2 of the current collective bargaining agreement?

If so, what shall the remedy be?

- 8) Did the City violate Article II, Section 3 of the current collective bargaining agreement?

If so, what shall the remedy be?

- 9) Did the City violate Article X, Section 1 of the current collective bargaining agreement?

If so, what shall the remedy be?



- 10) Did the City violate Article XIV, Section 1 of the current collective bargaining agreement?

If so, what shall the remedy be?

- 11) Did the City violate Article XIV, Section 2 of the current collective bargaining agreement?

If so, what shall the remedy be?



the Association seeks money retroactive to the date in the agreement for present and former members so entitled, but requests only the cessation of current violations of manning provisions.

We recognize that this may well mean that the Association will not receive the full benefit of the economic package fashioned by the fact finder and awarded by the final offer arbitrator. This is a policy consideration, however. As grievance arbitrators our duty is solely to interpret the contract.

Accordingly, we make the following awards with respect to remedy:






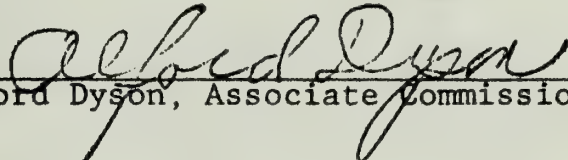
- #1. No damages are awarded.
- #2. The City is directed to comply forthwith.
- #3. The City shall make whole those permanent and reserve firefighters who would have filled in for permanent firefighters or as extra help, had provisionals not been utilized, from January 4, 1977 through the spring of 1977. The Board will retain jurisdiction for 30 days from the date of the award in order to resolve any controversy between the parties that may arise in the computation and determination of the damages.
- #4. The City shall pay an additional day's pay to those firefighters who worked on holidays from July 1, 1974 until the present.
- #5. The City shall make whole those permanent firefighters who should have been assigned to each piece of equipment in accordance with Article XIII, Section 2(a) from January 4, 1977. The Board will not retain jurisdiction in this instance, it appearing that the damages awarded in grievance #3 will cover the violations found in the within grievance.
- #6. There being no evidence of a violation of this provision on January 4, 1977 and subsequent thereto, no damages are awarded.
- #7. There being no evidence of a violation of this provision on January 4, 1977 and subsequent thereto, no damages are awarded.
- #8. The City shall make whole for all lost wages and benefits those senior privates who were not compensated for performing lieutenants' duties, from July 1, 1974, said compensation to be the difference between the wage and benefits for the higher and that for the lower grades. The Board will retain jurisdiction for 30 days from the date of the award order to resolve any controversy between the parties that may arise in the computation and determination of the damages.
- #9. The City shall pay all firefighters the difference between the salaries they actually received and the salaries they should have received under the agreement, said sums to include longevity differentials, from January 1, 1975.

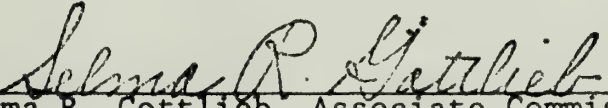


- #10. The City shall pay those firefighters who had successfully completed the EMT program \$500 plus longevity during July 1, 1975 through June 30, 1976.
- #11. The City shall pay to each firefighter who had completed one to nine college credits his educational incentive benefit for July 1, 1975 to June 30, 1976, such remuneration to include longevity payments.

BY THE BOARD:

  
\_\_\_\_\_  
Helaine Knickerbocker, Chairperson

  
\_\_\_\_\_  
Alford Dyson, Associate Commissioner

  
\_\_\_\_\_  
Selma R. Gottlieb, Associate Commissioner







*in and 8 opening  
letter sent 100*

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

May 23, 1978

*In the matter of the joint application for arbitration of a controversy between*

BOSTON COMMUTER LINES, INC.

AND

ARB. 93-1978

TEAMSTERS, CHAUFFEURS, AND HELPERS  
UNION LOCAL #437

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. He shall be reinstated with back pay and full rights and benefits less monies received.

BY THE BOARD:

*Helaine Knickerbocker*  
\_\_\_\_\_  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
\_\_\_\_\_  
Alford Dyson, Assoc. Commissioner

*Selma R. Gottlieb*  
\_\_\_\_\_  
Selma R. Gottlieb, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 1, 1978

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF BELMONT

and

BELMONT FIREFIGHTERS, LOCAL 1637, INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS, AFL-CIO (ARB. 79-1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town violated Article 10 of the agreement by debiting each employee's account for \$22.95 for new jackets and by unilaterally determining the voucher system. The Town is directed to credit each employee's account with \$22.95. The Town is further directed to commence development of a voucher system with the union forthwith.

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Chairperson

*Alford Dyson*

Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*

Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 2, 1978

*In the matter of the joint application for arbitration of a controversy between*

INDIANHEAD TRUCK LINES

and

TEAMSTERS UNION LOCAL NO. 25

ARB. 66-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Chairperson

*Alford Dyson*

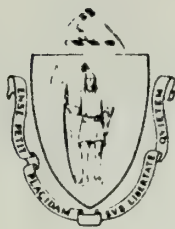
Alford Dyson, Associate Commissioner

*Selma E. Gottlieb*

Selma E. Gottlieb, Associate Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 15, 1978

*In the matter of the joint application for arbitration of a controversy between*

OLD COLONY CRUSHED STONE COMPANY

and

MASSACHUSETTS LABORERS' DISTRICT COUNCIL, LOCAL 133 (Arb.25-78)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 20, 1978

CORRECTED COPY

*In the matter of the joint application for arbitration of a controversy between*

FOREST HILLS CEMETERY

and

OIL, CHEMICAL & ATOMIC WORKERS AFL-CIO

ARB. 149-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The discharge was without just cause. Except for a period of two days the grievant shall be reinstated with full rights and benefits and seniority unimpaired.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON June 23, 1978

*In the matter of the joint application for arbitration of a controversy between*

TORNGREN/SPINCRAFT

AND

TEAMSTERS UNION LOCAL #49

ARB. 146-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The company did violate the contract when it failed to pay reporting time on May 10, 1977. The company shall pay to those employees who reported to work and were sent home the remaining number of hours not received, up to the eight (8) hour guarantee.

BY THE BOARD:

Helaine Knickerbocker  
Helaine Knickerbocker, Chairperson

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner

Alford Dyson  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

June 27, 1978

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF DIGHTON

AND

ARB. 72 - 1978

AFSCME, COUNCIL #93

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
HELAINA KNICKERBOCKER, CHAIRPERSON

*Selma R. Gottlieb*  
SELMA R. GOTTLIEB, ASSOC. COMMISSIONER

*Alford Dyson*  
ALFORD DYSON, ASSOC. COMMISSIONER







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

**JUNE 28, 1978**

*In the matter of the joint application for arbitration of a controversy between*

**BROOKLINE RED CAB COMPANY**

**AND**

**TEAMSTERS LOCAL UNION # 496**

**ARB. 77, 1978**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. He shall be reinstated with back pay and full rights and benefits less monies received.

By the Board:

*Helaine J. Knickerbocker*  
Helaine J. Knickerbocker, Chairperson

*Selma Gottlieb*  
Selma Gottlieb, Associate Commissioner

*Alford Dyson*  
Alford Dyson, Associate Commissioner





A 17.1: 979



*The Commonwealth of Massachusetts*  
*Executive Office of Manpower Affairs*  
*Department of Labor and Industries*  
*Board of Conciliation and Arbitration*  
*Leverett Saltonstall Building, Government Center*  
*100 Cambridge Street, Boston 02202*

ANNUAL REPORT OF THE  
MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

The Massachusetts Board of Conciliation and Arbitration has the responsibility for administering procedures for resolving collective bargaining impasses under the State Collective Bargaining Law and provides a mediation service and a grievance procedure for private industry within the Commonwealth. In the public sector, the Board's procedures comprise mediation, fact-finding, interest arbitration and grievance arbitration. In the private sector the procedures comprise mediation and grievance arbitration.

The Board is composed of three Associate Commissioners, one representing labor, one management and one sitting as the neutral member.

It is the duty of the Commissioners to hear arbitration cases which arise during the life of collective bargaining agreements in both the public and private sectors. In addition to the Commissioners, the Board maintains Counsel, a staff of full time mediators and a support staff.

GOVERNMENT PRINTING OFFICE

JUL 22 1980

University of Massachusetts  
Depository Copy  
\*\*\*\*\*



BOARD OF CONCILIATION AND ARBITRATION

MEDIATION AND FACTFINDING

CASE DISPOSITIONS AS OF January 30, 1980\*

<u>PUBLIC SECTOR</u>	<u>1978</u>	FISCAL <u>1979</u>	<u>1980</u>
Settled in Mediation	173	202	50
Still in Mediation	3	5	47
In Factfinding	1	18	17
Settled during Factfinding	35	23	0
Settled after Factfinding	35	14	1
Negotiating after Factfinding	<u>0</u>	<u>0</u>	<u>2</u>
TOTAL	247	262	117*

<u>POLICE/FIRE</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Settled in Mediation	50	62	3
Still in Mediation	0	2	2
In Factfinding	0	23	1
Settled during Factfinding	20	8	0
Settled after Factfinding	17	8	0
Negotiating after Factfinding	0	9	0
Petitioned for Final Offer	10	7	0
Sent to Joint Mg't Labor Committee (Dunlop)	<u>0</u>	<u>15</u>	<u>1</u>
TOTAL	97	139	7





FISCAL YEAR 1979

Total Cases Received in Fiscal Year 179

Cases Withdrawn or Settled 31

Cases Closed Other Than by Formal Award 6

Dunlop 1

RA 3

MCD 1

AAA 1

Cases Closed by Board Award 12

Cases Closed by Mediator's Award 5

Total FY 79 Cases Pending at Close of FY 79 125

Total FY 79 Cases Disposed of in FY 79 54

- - - - -

FY 78 Cases Pending at Beginning of FY 79 90

FY 78 Cases Settled or Withdrawn in FY 79 31

FY 78 Cases Awards in FY79 47

FY 78 Cases Pending at Close of FY 79 12

- - - - -

FY 77 Cases Pending at Beginning of FY 79 3

FY 77 Cases Awards in FY 79 3

FY Cases Pending at Close of FY 79 0

- - - - -

FY 76 Cases Pending at Beginning of FY 79 3

FY 76 Cases Awards in FY 79 3

FY 76 Cases: Pending at Close of FY 1979 0

- - - - -

FY 75 Cases Pending at Beginning of FY79 1

FY 75 Cases Awards in FY 79 1

FY 75 Cases Pending at Close of FY 79 0

- - - - -

Total Cases on Docket During FY 79 276

Total Cases Disposed of in FY 79 139



Acushnet	40
Alden Corrugated Container Corp.	10, 60
Athol	15
B. F. Perkins Div. of Standot Corp.	57
Bemis Association Inc.	11
Berklee College of Music	62
Boston Commuter Lines	13
Boston Fruit and Produce and Auction Co.	29, 43
Boston Food Transport Inc.	23
Boston PARK PLAZA Hotel OPERATING CO. Inc.	50
Carleton Ambulance Service Inc.	36
Charlie's Oil Co. Inc.	9
Chicopee	59
Clearwater Fabric Care Services	28
Danvers	55
Dracut	52
East Bridgewater	4
Fall River	12, 22
Frionor Kitchens Inc.	2
Frito-Lay Inc.	27
General Sand and Stone Corp.	26, 46, 50
Great Atlantic and Pacific Tea Co.	6



Hudson	39
Jones and Vining of Salem Inc.	65
King Philip Regional School	51
Marlboro	3
MERRIMACK SAVING CORPORATION	64
Methuen	17, 18
Milton Bradlee Company	61
Morton Warehouse Corp.	42
Northern Berkshire Vocational Regional	32, 49
North Reading	5
Norwell	34, 35
Pathfinder Regional Voc. Technical High School	53, 54, 78
Pembroke	41
Pilgrim Laundry and Clearwater Laundry	48, 63
River Street Sportswear	1
Rohtstein Corp.	66
Saugus	44
Serta Mattress Co.	31
Sportservice Corp.	19, 20, 21
Spring Action Electric	45
Stop & Shop Co. Inc.	37
Sun Ray Bakery	64
Table Talk Inc.	38
Tyngsborough	8
Union Petroleum Corp.	56





Walpole	24, 25, 33
Webster	58
Westinghouse Electric Supply Co.	7
Westport	30
Witt-Armstrong Equip. Co.	14
Woburn	47
Worcester	16





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

July 14, 1978

*In the matter of the joint application for arbitration of a controversy between*

**RIVER STREET SPORTSWEAR**

**ARB. 54-1978**

**AND**

**INTERNATIONAL LADIES GARMENT WORKERS UNION, LOCAL #281**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The parties have assented to an award with an opinion to follow.

We make the following award:

Mrs. Owens' contractual rights were not violated when her employment ceased on August 5, 1977.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 3, 1978

*In the matter of the joint application for arbitration of a controversy between*

FRIONOR KITCHENS, INC.

And

TEAMSTERS UNION LOCAL # 59

Arb. 125, 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

'The grievance is without merit and is dismissed

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 4, 1978

*In the matter of the joint application for arbitration of a controversy between*

MARLBORO PUBLIC SCHOOLS

AND

SERVICE EMPLOYEES INTERNATIONAL  
UNION LOCAL #254

ARB. 59-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Associate Commissioner

Handwritten signature of Selma R. Gottlieb in cursive script.

Selma R. Gottlieb, Associate Commissioner







The Commonwealth of Massachusetts  
DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 17, 1978

*In the matter of the joint application for arbitration of a controversy between*  
EAST BRIDGEWATER SCHOOL COMMITTEE  
and  
EAST BRIDGEWATER EDUCATION ASSOCIATION

ARB. 157-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated Article 12, Section A. of the collective bargaining agreement when it failed to renew the contract of grievant, Mary A. Hodgdon, for the 1976-77 school year. The School Committee shall pay grievant one month's salary, said salary to be calculated at the rate of the salary to which she would have been entitled had she been reinstated. The School Committee shall delete from grievant's record any and all references to activities other than those with respect to classroom.

BY THE BOARD:

*Helaine Klucknerbocken*  
Helaine Klucknerbocken, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 18, 1978

*In the matter of the joint application for arbitration of a controversy between*

Town of North Reading  
and

North Reading Police Association, Local 345, IBPO A-45-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town violation Article XIII, Section 2 of the July 1, 1977 agreement between the parties. The Town shall pay grievants prorated longevity for 1977.

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*

Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON August 21, 1978

*In the matter of the joint application for arbitration of a controversy between*  
BOSTON PARK PLAZA HOTEL OPERATING COMPANY, INC. AGENTS  
and  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL #254 (Arb.146-1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company discharged Mrs. Basso Kangaloo without just cause. The company shall reinstate her without back pay and with seniority and other benefits unimpaired.

BY THE BOARD:

*Heraïne Knickerbocker*  
Heraïne Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 22, 1978

*In the matter of the joint application for arbitration of a controversy between*

The Great Atlantic & Pacific Tea Company, Inc  
and  
Retail Clerks International Union AFL-CIO  
Local 1445

Arb 92 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

Very truly yours,

*Helaire Knickerbocker*

Helaire Knickerbocker, Chairperson

*Selma Gottlieb*

Selma Gottlieb, Associate Commissioner

*Alford Dyson*  
Alford Dyson, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 25, 1978

*In the matter of the joint application for arbitration of a controversy between*

WESTINGHOUSE ELECTRIC SUPPLY COMPANY

AND

ARB. 134-1977

TEAMSTERS UNION LOCAL NO. 25

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Board finds that the grievant was discharged without just cause and orders that he be reimbursed for wages lost less monies received until such time as he is reinstated at Westinghouse. And the Board further orders that, his former job being non-existent, he be reinstated to whatever job the company and the union mutually agree he is fitted to perform. The Board retains jurisdiction until arrangements appropriate to its decision have been carried out fully.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

August 28, 1978

*In the matter of the joint application for arbitration of a controversy between*

Tyngsborough Teachers' Association (Unit A)

and

Arb. 84-1978

Tyngsborough School Committee

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

That the coaching positions and salaries and department head positions and salaries and student activities advisors positions and salaries should be included in the collective bargaining agreement.

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*

Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*

Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON September 14, 1978

*In the matter of the joint application for arbitration of a controversy between*

CHARLIE'S OIL COMPANY INC.

AND

ARB. 49 - 1978

TEAMSTERS UNION LOCAL #526

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company violated the contractual seniority clause when it laid-off Fred Coriaty out of seniority between the dates in the payroll period of March 23, 1977 to April 20, 1977. The company also violated the contractual seniority clause when it failed to recall Fred Coriaty to work for the 1977-78 heating season.

The company is directed to compensate him for all lost earnings and other contractual benefits for the period he was laid off out of seniority from March 23, 1977 to April 20, 1977. The company is also directed to compensate him for all earnings and other contractual benefits lost when it failed to recall him from the period on or about October 1, 1977 to May 4, 1978.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

September 20, 1978

*In the matter of the joint application for arbitration of a controversy between*  
ALDEN CORRUGATED CONTAINER CORP.

AND

TEAMSTERS UNION LOCAL # 59

Arb. 19, 1979

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

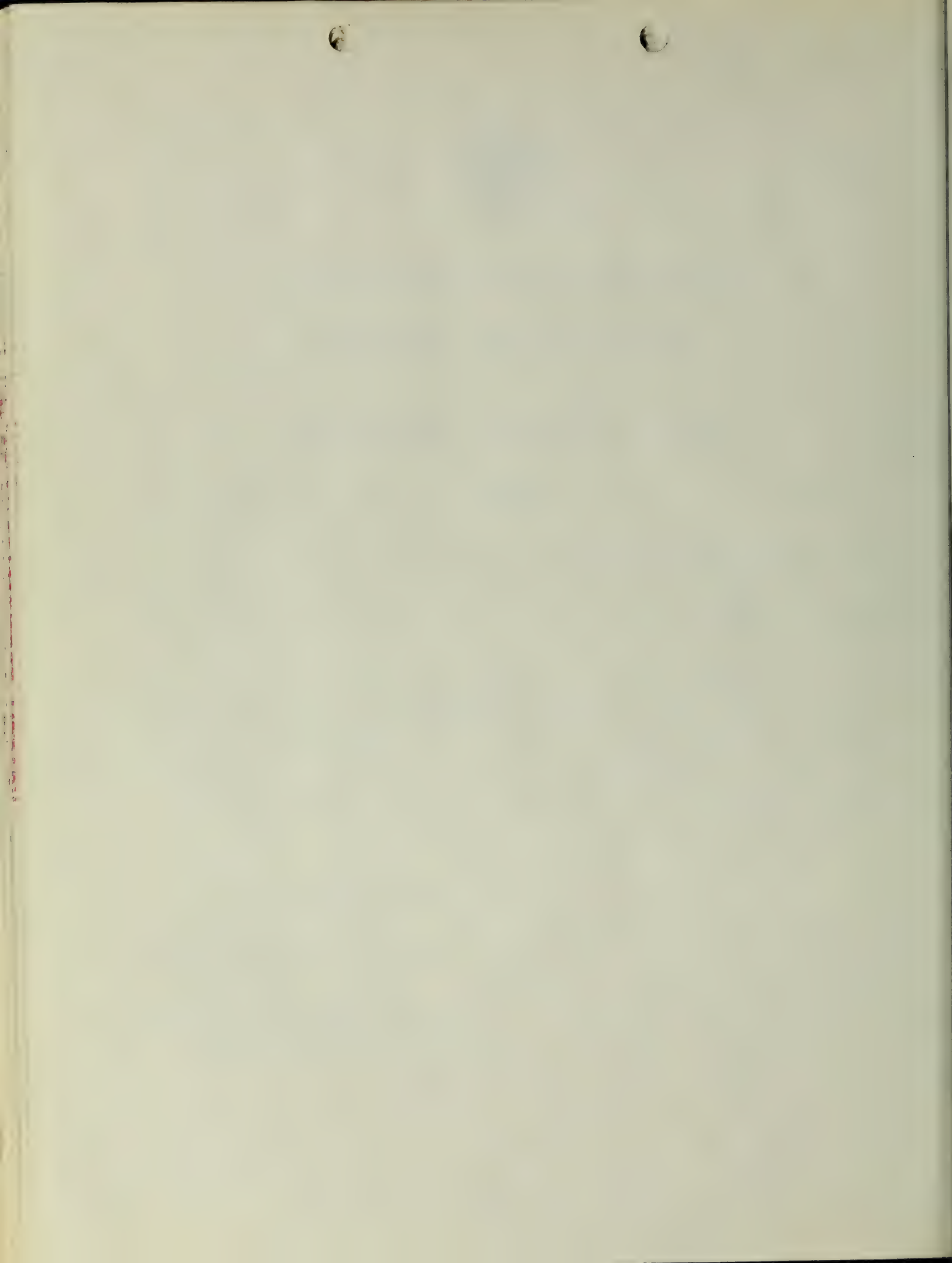
BY THE BOARD

*Alford Lyson*

Alford Lyson, Associate Comm.

*Selma R. Gottlieb*

Selma Gottlieb, Associate Comm.







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

September 22, 1978

*In the matter of the joint application for arbitration of a controversy between*

BEMIS ASSOCIATION INC.

AND

ARB. 58-1978

LOCAL No. 506

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The discharge of Thomas Dale was without just cause. He shall be reinstated with full benefits, seniority unimpaired and back pay less monies received commencing January 14, 1978.

BY THE BOARD:

Helaine Knickerbocker  
Helaine Knickerbocker, Chairperson

Selma R. Gottlieb  
Selma R. Gottlieb, Assoc. Commissioner

Alford Dyson  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 4, 1978

*In the matter of the joint application for arbitration of a controversy between*

Fall River Employees Association

and

City of Fall River Planning Board

A-151. 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards, as follows:

City of Fall River is in violation of the collective bargaining agreement now in effect between the City of Fall River & the Fall River Employees Association dated September 28, 1973.

City is directed to comply with said agreement reached on Jan. 28, 1978 between the City of Fall River Planning Board & the Fall River Employees Assoc. for the purposes of establishing rates of pay for the Exec. Planner (Alfred Edwards) in accordance with the provisions of Article XXVI of the collective bargaining agreement now in effect between the City of Fall River & Fall River Employees Association dated September 28, 1973.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner

*Alfred Dyson*  
Alfred Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 13, 1978

*In the matter of the joint application for arbitration of a controversy between*  
Boston Commuter Lines, Inc.  
and  
Teamsters Union Local 437

A 29, 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company is in violation of Article XIX, Section 11 of the collective bargaining agreement.

The Company is directed to pay the next senior man on the rotation board for the trip and all other contractual benefits as per the contract.

By the Board

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma A. Gottlieb*  
Selma Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 13, 1978

*In the matter of the joint application for arbitration of a controversy between*

Witt-Armstrong Equipment Co.

and

Teamsters Local Union # 841

A68-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

By the Board:

*Helaine Knickerbocker*

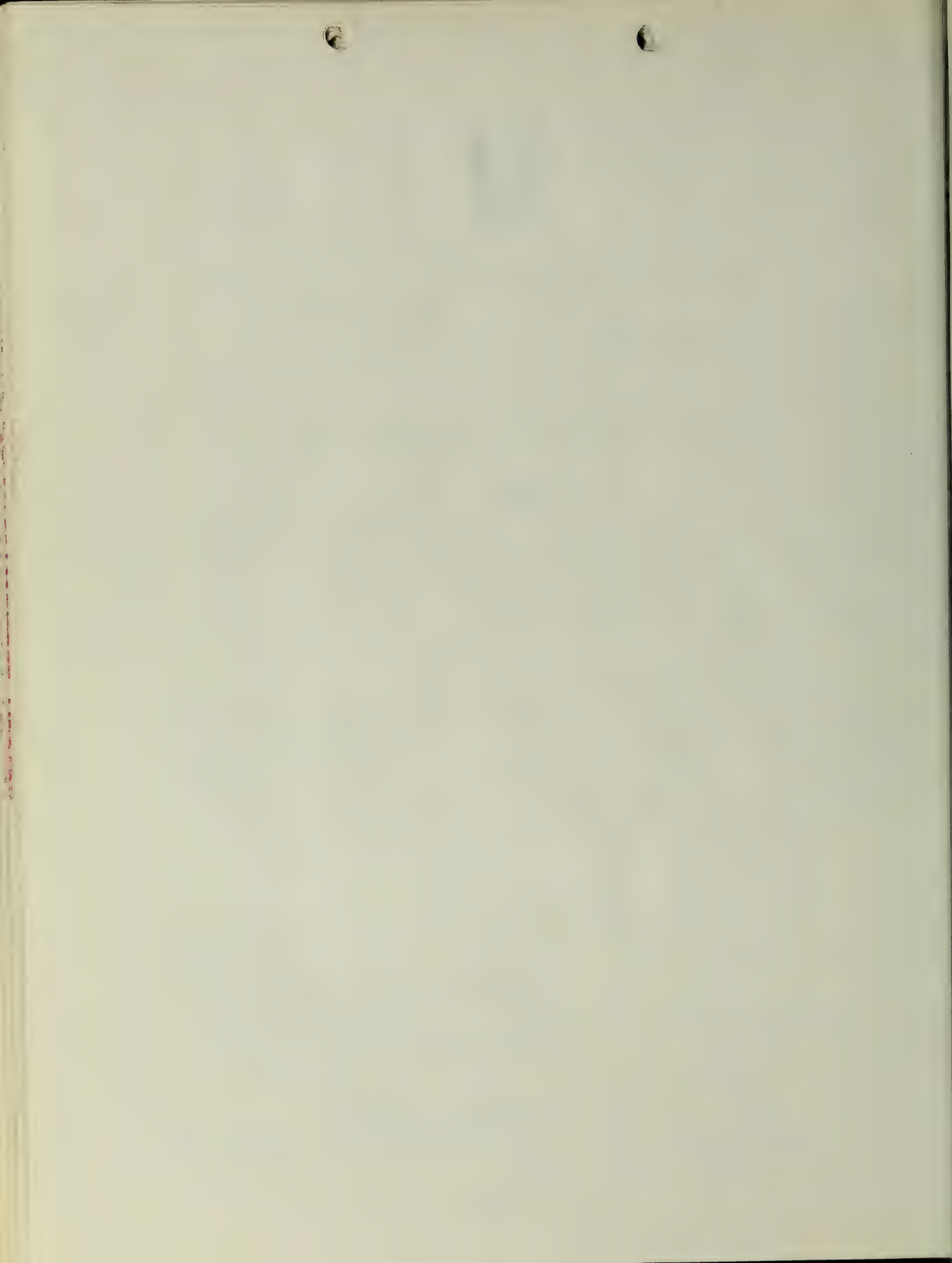
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*

Selma Gottlieb, Assoc. Commissioner

*Alford Dyson*

Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 17, 1978

*In the matter of the joint application for arbitration of a controversy between*

THE TOWN OF ATHOL

and

THE INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS LOCAL 415  
(Arb. 44-1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town did not violate Article XIII, Section 2. of the agreement when it denied Officer Guerrin's June, 1976 request for a two week vacation.....

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*

Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON October 18, 1978

*In the matter of the joint application for arbitration of a controversy between*

CITY OF WORCESTER

and

WORCESTER PUBLIC SCHOOLS CUSTODIANS ASSOCIATION

(Arb. 16-1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is arbitrable. The School Committee violated Articles III, D., 6 and 7; V-A, 1.; and X when in July of 1976 it rescheduled certain unassigned junior custodians from a Monday through Friday work week to a Tuesday through Saturday work week. The School Committee shall pay the amount of overtime which would have been earned had the junior custodians not been rescheduled. The Board will retain jurisdiction for thirty days to resolve any controversy between the parties which may arise regarding the computation and determination of the amount of overtime due the Association pursuant to this award.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Elma R. Gottlieb*

Elma R. Gottlieb, Associate  
Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 20, 1978

*In the matter of the joint application for arbitration of a controversy between*

Wethuen Public Schools Custodians Assoc.  
and

Wethuen School Committee

AR 153-1478

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and

weighed the evidence bearing on the issue (s), awards as follows:

Employer contribution levels for health insurance premiums shall be implemented forthwith at the negotiated level of Level 1s at 60% of premium commencing with fiscal yr. 1977 & 65% commencing with fiscal yr. 1978. Affected employees shall be reimbursed at the following rates of amounts which they had to expend for family or individual health insurance coverage over & above that which they would have to pay if the increased health insurance premium contribution by the employer had been implemented as negotiated. Fiscal Yr. 1977 - Individual Cov. @ \$3.44. Family coverage @ \$3.95 for each month effected. Fiscal Yr. 1978 Individual Cov. @ \$6.11. Family cov. @ \$13.61 for each month effected to date of implementation of award, as set forth in award:

BY THE BOARD:

*Alfred Lyson*

Alfred Lyson, Assoc. Comm.

*Helaine Thickett Bocker*, Chairperson

*Solma Gottlieb*

Solma Gottlieb, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

October 20, 1978

*In the matter of the joint application for arbitration of a controversy between*

Matthew Educational Secretaries, AS UAW  
and

Matthew School Committee

A 150, 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Employer contribution levels for health insurance premiums shall be implemented forthwith at the negotiated level of benefits at 60% of premium commencing with fiscal yr. 1977 & 65% commencing with fiscal yr. 1978. Affected employees shall be reimbursed at the following rates of amnts. which they had to expend for family or individual health insurance coverage over & above that which they would have to pay if the increased health insurance premium contribution by the employer had been implemented as negotiated. Fiscal Yr. 1977 - Individual cov. \$3.44. Family coverage @ \$8.87 for each month effected. Fiscal Yr. 1978 - Individual Cov. @ \$6.11. Family Cov. @ \$15.61 for each month effected to date of implementation of award, as set forth in award.

BY THE BOARD:

*[Signature]*  
Belaine Knickerbocker, Chairperson

*[Signature]*  
Robert D. Ryan, Assoc. Commissioner

*[Signature]*  
John J. Sullivan, Assoc. Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

November 21, 1978

*In the matter of the joint application for arbitration of a controversy between*

Sportservice Corporation

and

Local No. 1445 - R.C.I.U. Arb. 62-1978

(John Domohowski)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Board finds that the grievant was discharged without just cause. In fashioning a remedy, the Board notes that summer events at Boston Garden are comparatively few, and that since the previous summer the grievant worked only three times at the Garden and the rest of the time at another job, the Board finds that the grievant should be reinstated with all benefits, and that he should be made whole for the usual number of times he would have worked in the following periods:

1. October 15, 1977 to June 28, 1978
2. October 1, 1978 to date

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON November 21, 1978

*In the matter of the joint application for arbitration of a controversy between*  
Sportservice Corporation  
and  
Local No. 1445 - R.C.I.U. Arb. 62-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Larry Grant was discharged without just cause. A letter of reprimand shall be inserted in his personnel file. He shall be reinstated with all benefits and made whole from the date of discharge.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Comm.







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

November 21, 1978

*In the matter of the joint application for arbitration of a controversy between*

Sportservice Corporation  
and

Local No. 1445 - R.C.I.U. Arb. 62-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

William Buckley was discharged without just cause. He shall be reinstated with all benefits and made whole from February 26, 1978.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Comm.





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

November 21, 1978

*In the matter of the joint application for arbitration of a controversy between*

**CITY OF FALL RIVER**

**AND**

**TEAMSTERS LOCAL UNION No. 526**

**ARB. 144-1978**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The City of Fall River violated the collective bargaining agreement when it appointed Thomas Travis to the position of incinerator utility man.

The City shall appoint Thomas Souza to the position of incinerator utility man and reimburse him all wages lost retroactive to the date when the City appointed Thomas Travis to the position.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 22, 1978

*In the matter of the joint application for arbitration of a controversy between*  
BOSTON FUEL TRANSPORTATION, INC.

AND


DISTRICT NO. 1-PACIFIC COAST  
DISTRICT, MEBA AFL-CIO

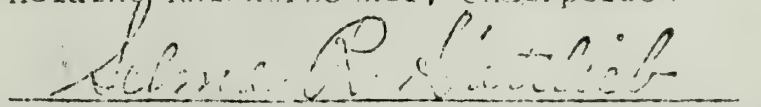
ARB. 69 - 1978

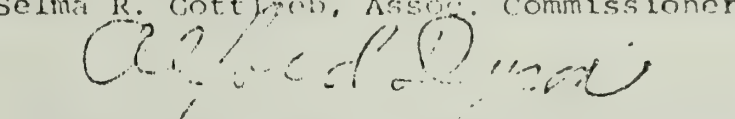
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Article II, Section 3, of the 1976-79 contract between the union and the company requires negotiations.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON** November 27, 1978

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF WALPOLE

and

AFSCME COUNCIL #93

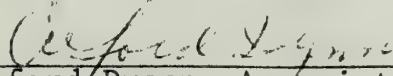
(ARB. 99 - 1978)

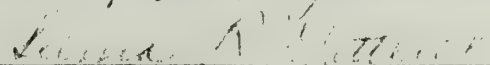
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

"The grievant, Thomas Dalton, was entitled to have worked on November 6, 1977.

The Town is directed to pay him 6 hours pay at the rate of time and one half at his normal rate of pay."

BY THE BOARD:

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

November 27, 1978

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF WALPOLE

and


AFSCME COUNCIL #93

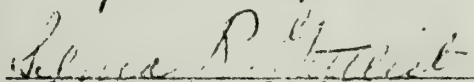
(ARB. 147 - 1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is denied.

BY THE BOARD:

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 7, 1978

*In the matter of the joint application for arbitration of a controversy between*

GENERAL SAND AND STONE CORPORATION

and

TEAMSTERS LOCAL UNION NO. 404

ARB. 128 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company violated Article IV, Holidays, of the collective bargaining agreement when it paid straight time to employees who worked on January 2, 1978.

The company is directed to pay all employees who worked on January 2, 1978, two (2) times the regular rate of wages for all work performed on that day in accordance with Article IV, Holidays, of the collective bargaining agreement.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON December 12, 1978

*In the matter of the joint application for arbitration of a controversy between*

FRITO LAY INC.

and

BAKERY AND CONFECTIONERY WORKERS OF AMERICA AFL-CIO

Local #348 (Arb. 123 - 1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company did violate Article 2, Section 9 of the collective bargaining agreement on January 5, 1978 when it denied the grievants 4 hours call in pay.

The company shall pay the grievants 4 hours pay for reporting to work on January 5, 1978.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner

*Alford Dyson*  
Alford Dyson, Associate Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

December 18, 1978

*In the matter of the joint application for arbitration of a controversy between*

CLEARWATER FABRIC CARE SERVICE

AND

TEAMSTERS UNION LOCAL #25

ARB 67-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

THE GRIEVANCE IS WITHOUT MERIT AND IS DISMISSED.

BY THE BOARD:

Melaine Knickerbocker Chairperson

Selma Gottlieb Assoc Commissioner

Alfred Olson Assoc Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

January 5, 1979

*In the matter of the joint application for arbitration of a controversy between*

BOSTON FRUIT & PRODUCE AUCTION COMPANY

and

TEAMSTERS UNION LOCAL NO. 25

(ARB. 80 - 1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is not time-barred. Mr. Manchini is entitled to be placed upon the seniority list under the provisions of Article V of the collective bargaining agreement in force and effect from March 3, 1974 through March 3, 1977. Mr. Manchini shall be made whole from the day after Mr. Tutela's termination, less monies received.

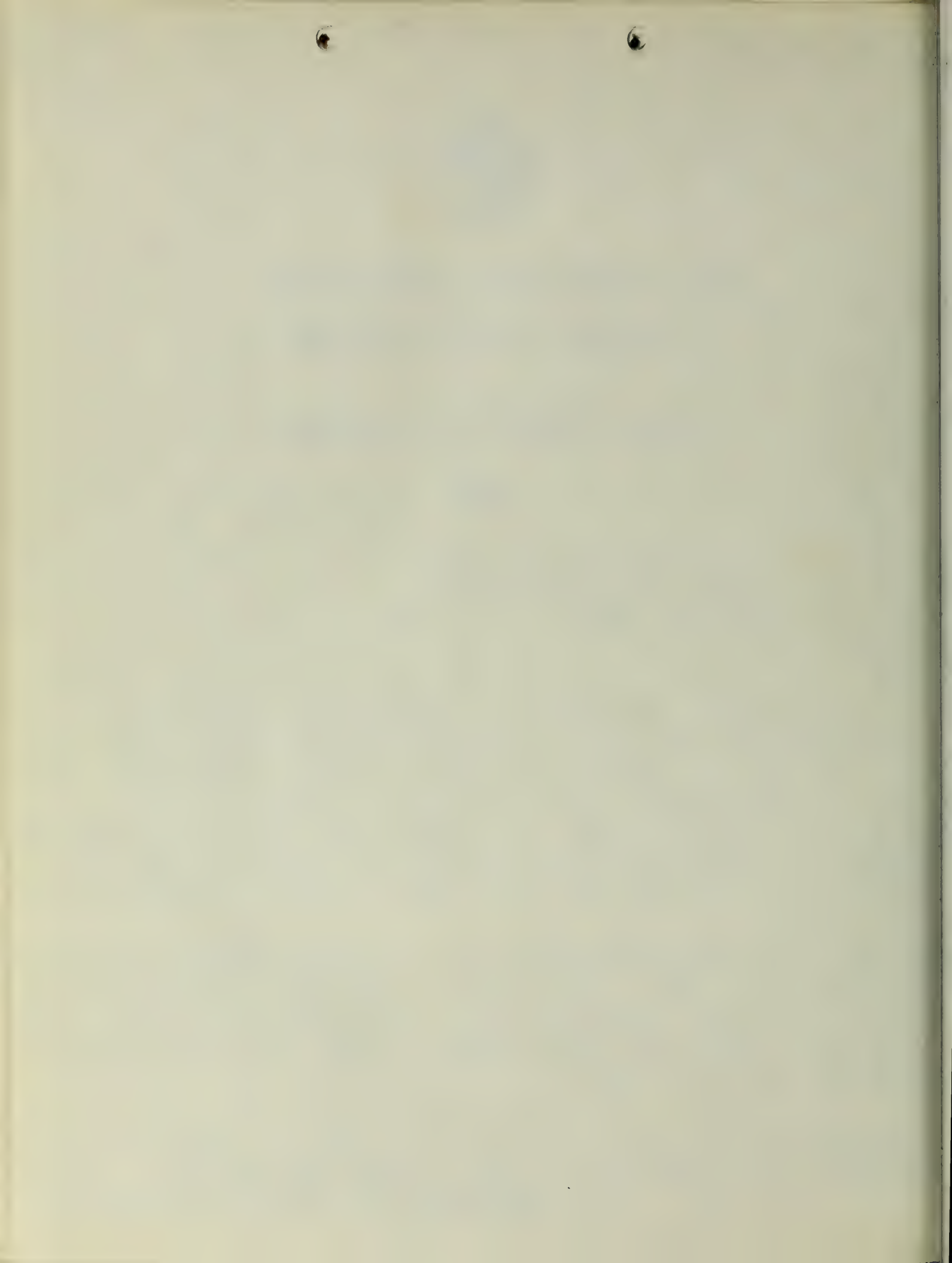
Mr. Young is entitled to be placed upon the seniority list under the provisions of Article V of the collective bargaining agreement in force and effect from March 3, 1974 through March 3, 1977. Mr. Young shall be made whole, less monies received, on or after August 2, 1977, such date being dependent upon the date on which the next vacancy occurred. The determination with respect to the date shall be made jointly by the parties from company records. The Board will retain jurisdiction for 30 days for the purpose of determining the date in the event that there is disagreement with respect thereto.

BY THE BOARD:

*Alfred Dyson*  
Alfred Dyson, Assoc. Commissioner

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 10, 1979

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF WESTPORT

and

WESTPORT PROFESSIONAL FIREFIGHTERS LOCAL #1802 Arb. 83-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

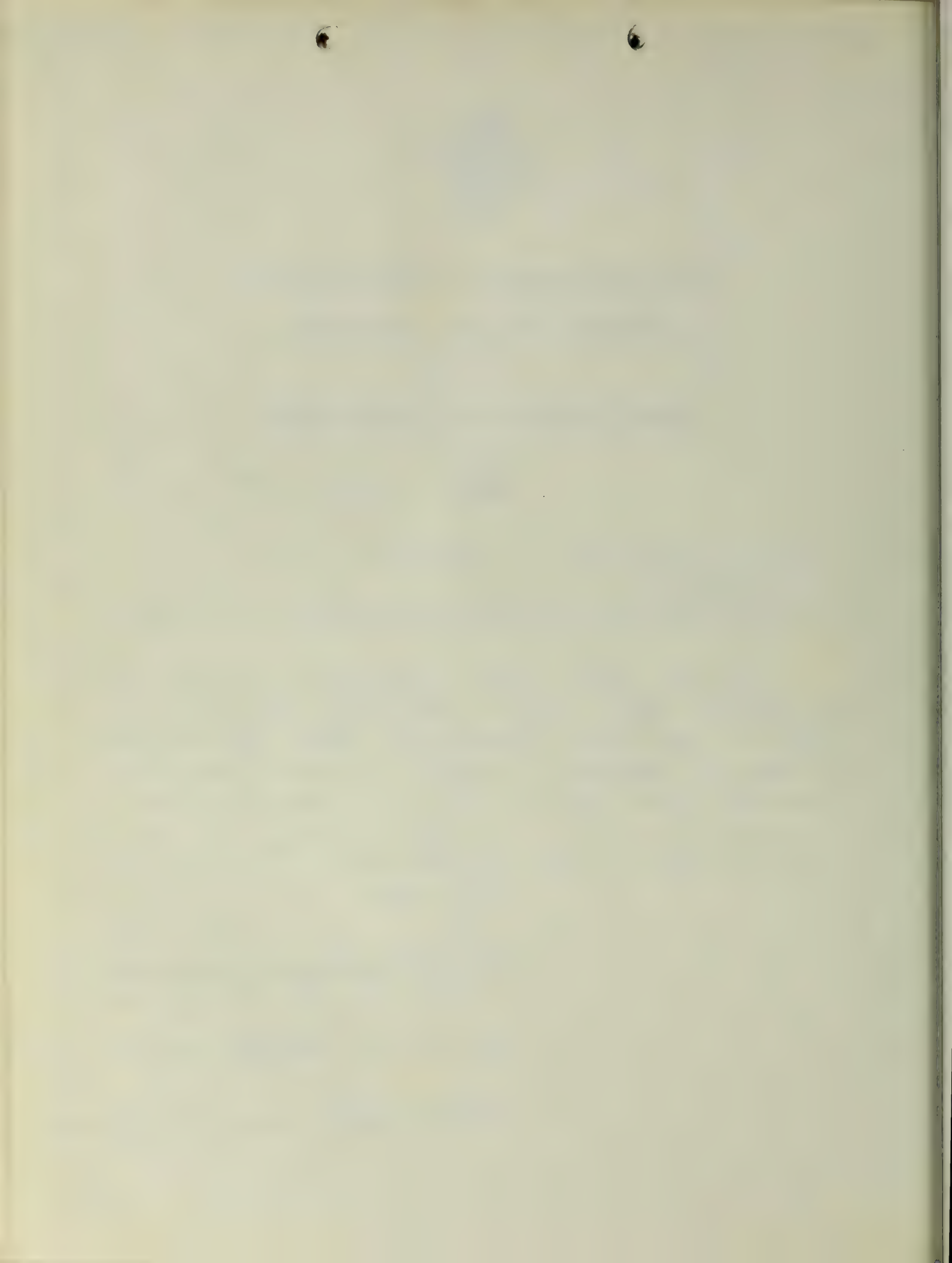
The grievant was on duty at the time of his injury. 350 hours are to be restored to his sick leave account.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

#### BOSTON

January 19, 1979

*In the matter of the joint application for arbitration of a controversy between*

SERTA MATTRESS COMPANY

and


UIU LOCAL #421

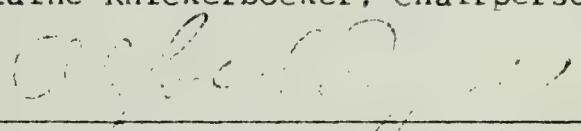
Arb. 36-1979

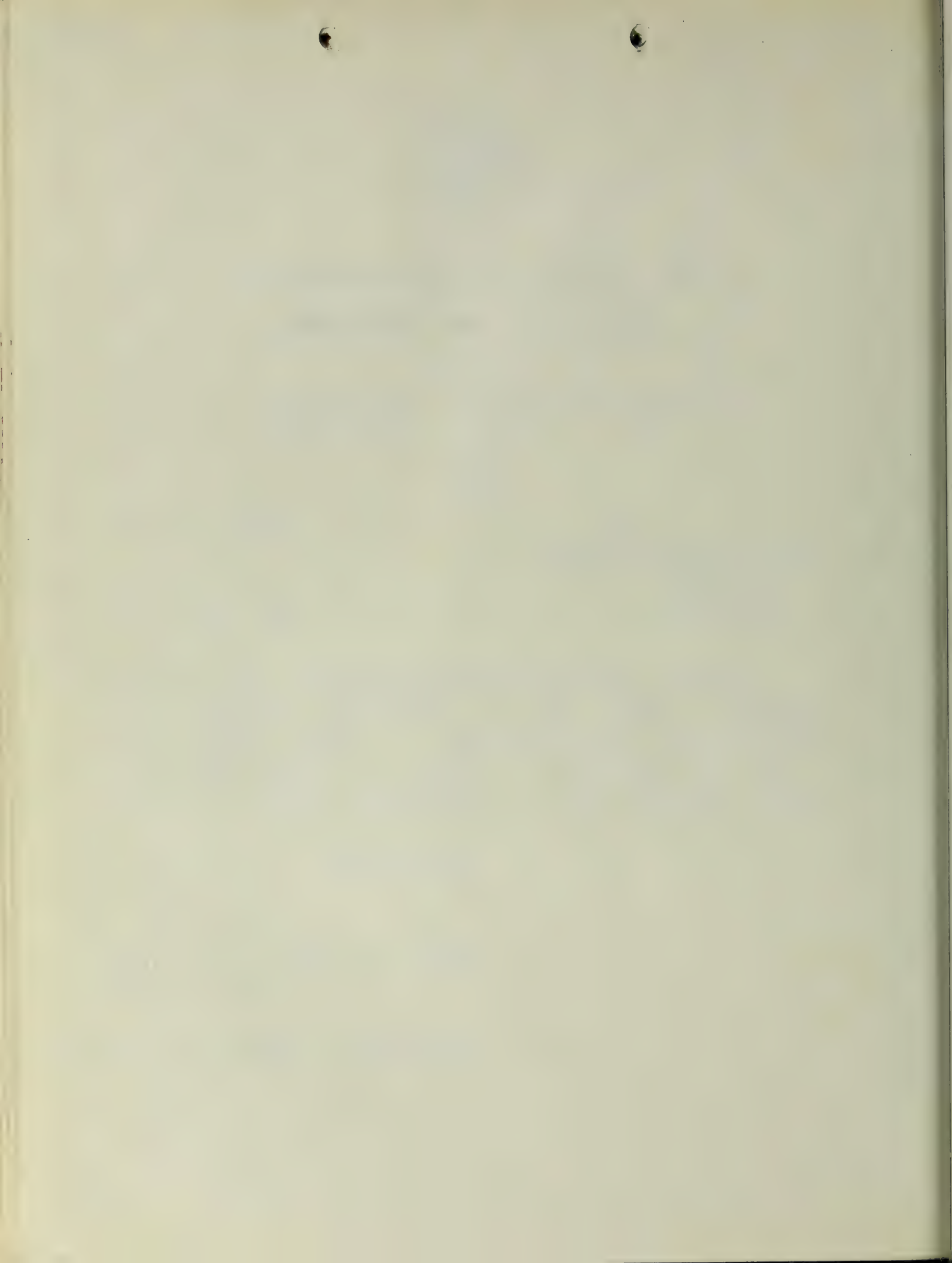
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

January 29, 1979

*In the matter of the joint application for arbitration of a controversy between*

Northern Berkshire Vocational Regional  
School District Committee

and

Arb. 98-1978

Charles McCann Faculty Association, MTA

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the collective bargaining agreement by denying personal days to James Szewczyk on November 7, 8, 9, and 10, 1977.

The committee shall pay to Mr. Szewczyk the sum of \$339.73, which is the amount of pay for the four days that he would have been entitled to.

Handwritten signature of Helaine Knickerbocker in cursive script.

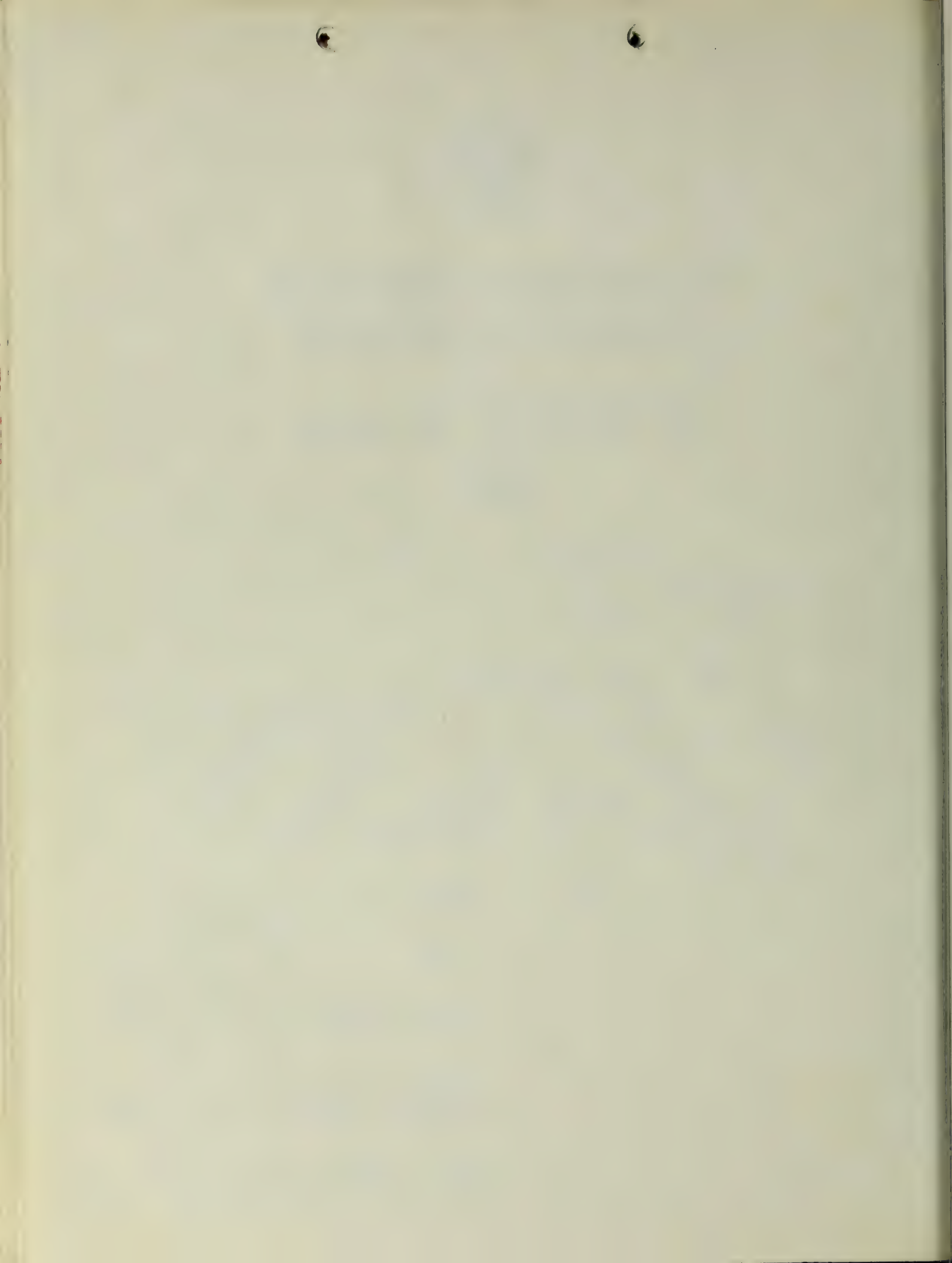
Helaine Knickerbocker, Chairperson

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Associate Commissioner

Handwritten signature of Selma Gottlieb in cursive script.

Selma Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 1, 1979

*In the matter of the joint application for arbitration of a controversy between*

Town of Walpole

and

AFSCME, Council #93

Arb. # 109-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Pursuant to Article IX of the collective bargaining agreement, six hours' pay at the overtime rate is the proper remedy for wrongful denial to grievant of overtime on January 9, 1978

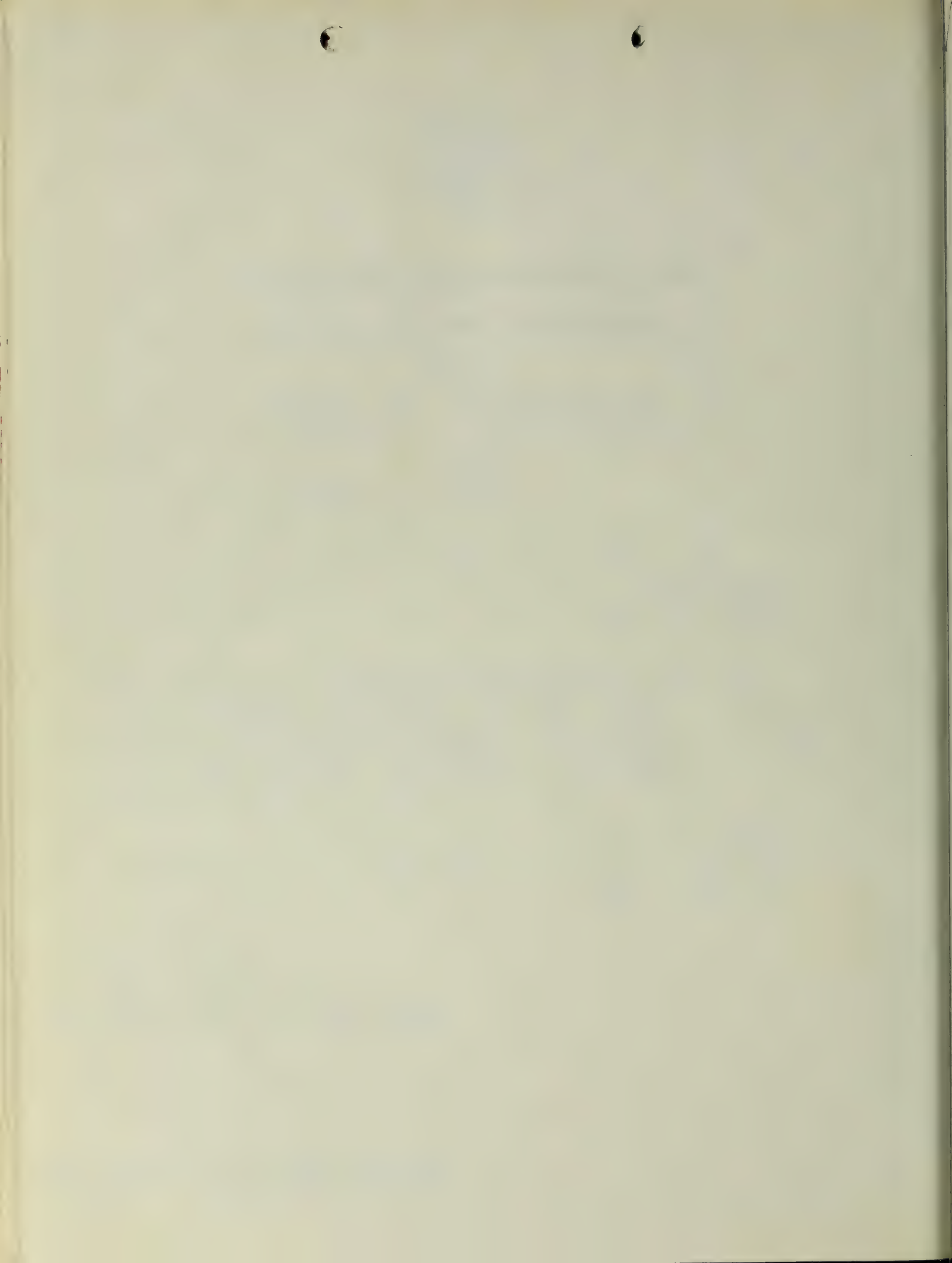
A handwritten signature in cursive script, appearing to read "Helaine Knickerbocker".

Helaine Knickerbocker, Chairperson

A handwritten signature in cursive script, appearing to read "Selma Gottlieb".

Selma Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

#### BOSTON

February 6, 1979

*In the matter of the joint application for arbitration of a controversy between*

Town of Norwell

and

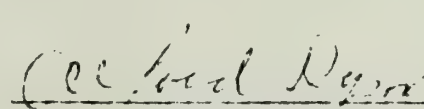
Norwell Police Association

Arb. 39-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance pertaining to officer Eugene H. Ryder is without merit and is dismissed.

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma Gottlieb, Associate Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 6, 1979

*In the matter of the joint application for arbitration of a controversy between*

Town of Norwell

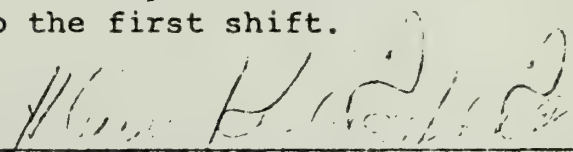
and

Norwell Police Association


Arb. 39A-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The town has violated the collective bargaining agreement with respect to Officer Richard C. Joseph. The town shall transfer Officer Joseph to the first shift.

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma Gottlieb, Associate Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

February 6, 1979

*In the matter of the joint application for arbitration of a controversy between*

Carleton Ambulance Service, Inc.,

and

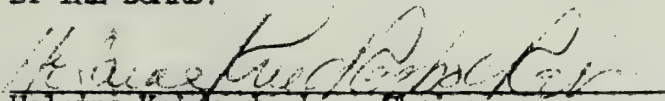
Arb. 148-1978

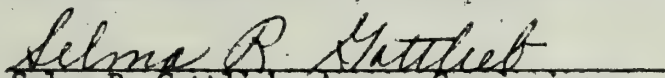
Teamsters, Chauffeurs, Warehousemen & Helpers  
Union Local No. 437

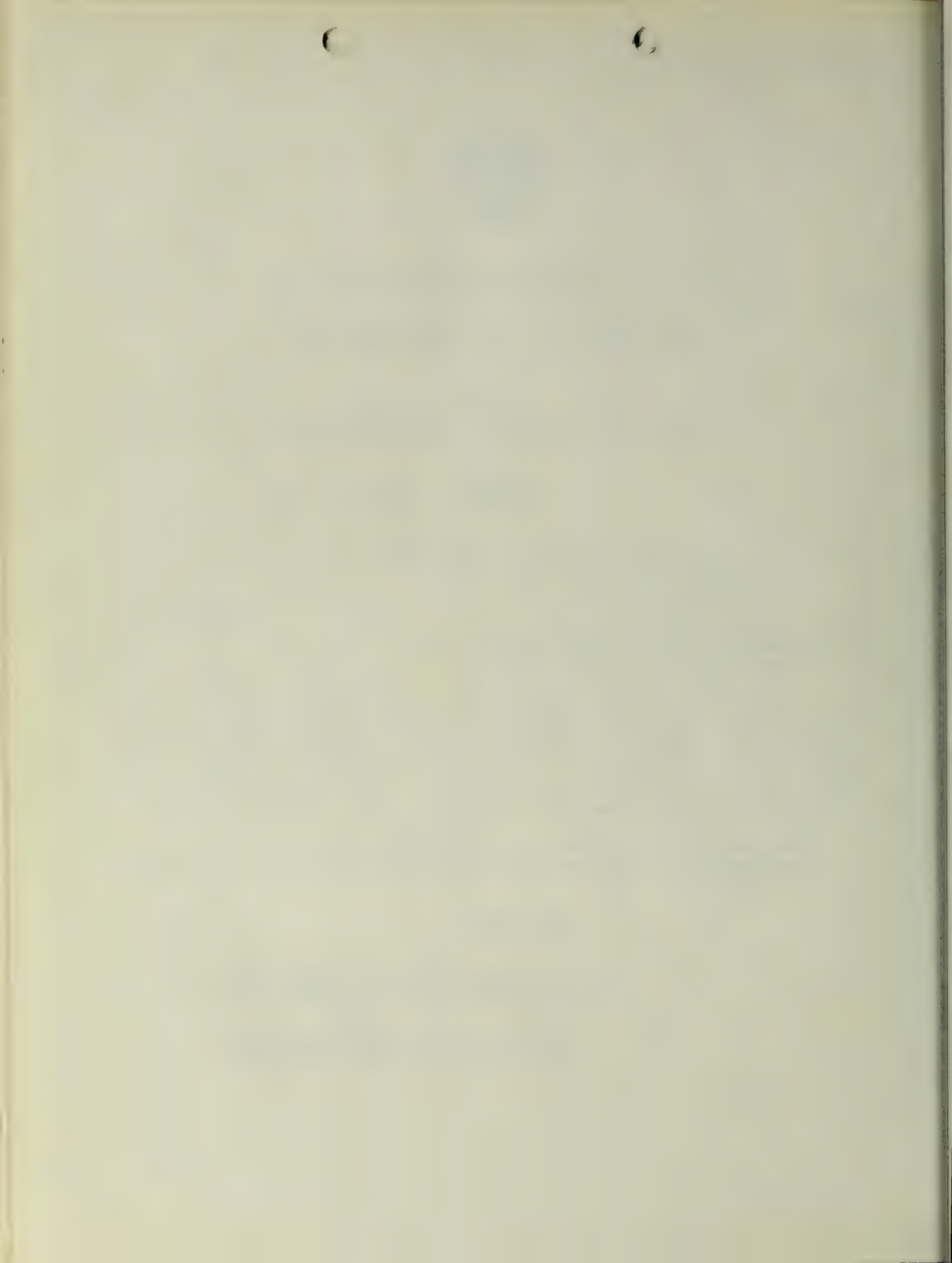
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. The grievant shall be reinstated with back pay and full benefits and seniority unimpaired, less monies received.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 6, 1979

*In the matter of the joint application for arbitration of a controversy between*

Stop and Shop Companies, Inc.

and

Arb. 20-1979

Local #20, Bakery and Confectionery Workers

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The discharge of Carl Burness was not for just cause. He shall be reinstated forthwith with back pay and full rights and benefits and seniority unimpaired from the date of discharge less monies received.

BY THE BOARD:

Handwritten signature of Helaine Knickerbocker in cursive script.

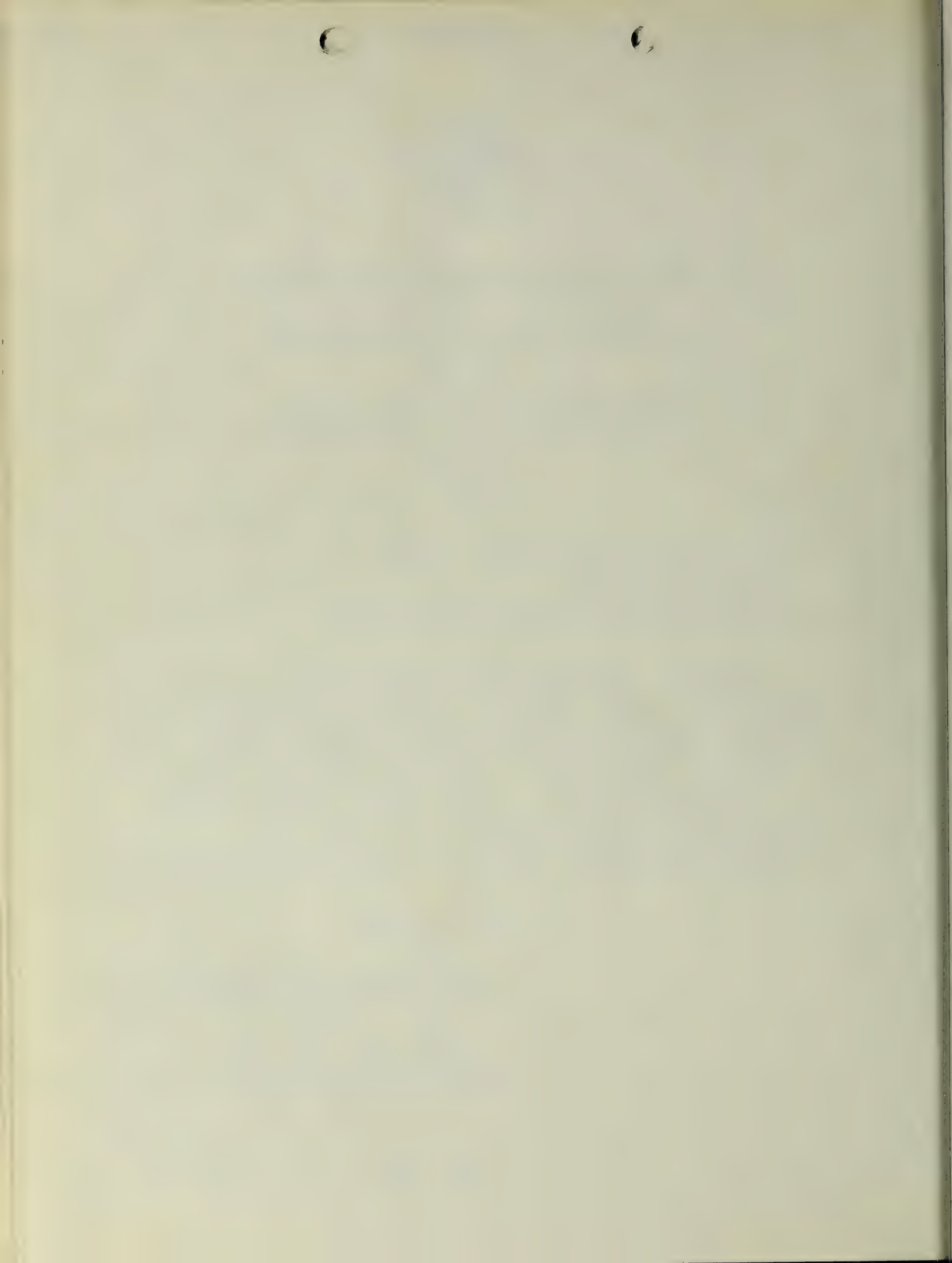
Helaine Knickerbocker, Chairperson

Handwritten signature of Selma R. Gottlieb in cursive script.

Selma R. Gottlieb, Assoc. Commissioner

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Assoc. Commissioner





CORRECTED COPY

# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

February 8, 1979

*In the matter of the joint application for arbitration of a controversy between*

TABLE TALK, INC.

AND

LOCAL 251

BAKERY AND CONFECTIONERY WORKERS UNION

ARB. 138-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was discharged without just cause. He shall be reinstated forthwith with back pay and with full rights and benefits and seniority unimpaired less monies received from October 4, 1978.\*

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

\*opinion to follow







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON February 9, 1979

*In the matter of the joint application for arbitration of a controversy between*

HUDSON SCHOOL COMMITTEE

and

HUDSON EDUCATION ASSOCIATION

ARB. 141-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is arbitrable. The employer violated the 1976-78 collective bargaining agreement when it assigned teachers to perform supervision of the breakfast program. It shall cease making such assignments and, in accordance with the collective bargaining agreement, bargain over whether such duties shall be assigned. \*

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Chairperson

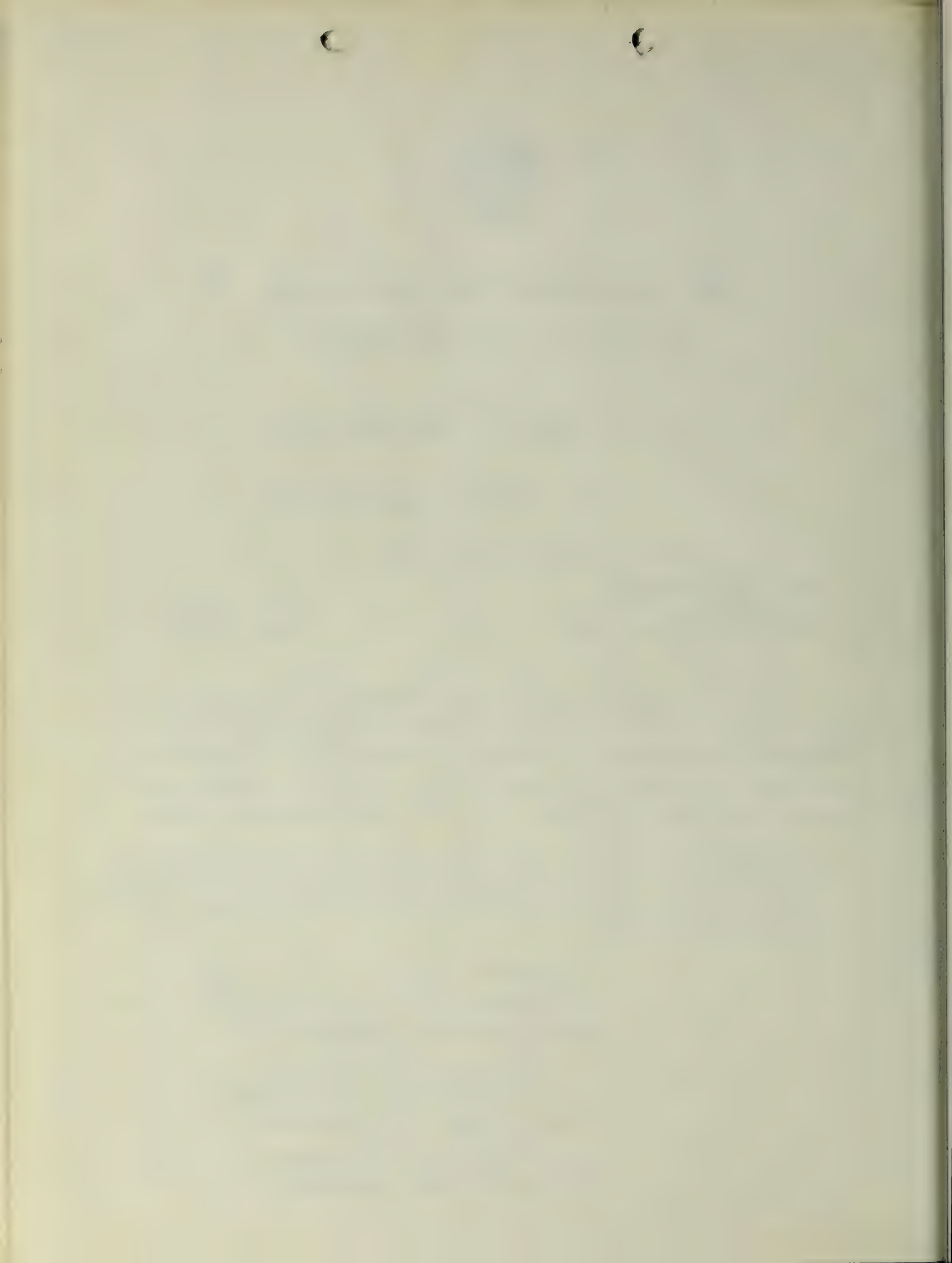
*Selma R. Gottlieb*

Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*

Alford Dyson, Assoc. Commissioner

\* opinion to follow





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 9, 1979

*In the matter of the joint application for arbitration of a controversy between*

Town of Acushnet  
and

Arb. 15-1979

AFSCME Council 98 Local 1646 AFL-CIO

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Issue #1 - The grievance is arbitrable

Issue #2 - The town did violate the agreement when it did not call a full time officer as a replacement on the 6 pm to 2 am shift. The town shall pay to Officer Stephen A. Cassidy Jr. the amount of money he would have received if he worked on July 24, 1978.

A handwritten signature in cursive script, reading "Helaine Knickerbocker".

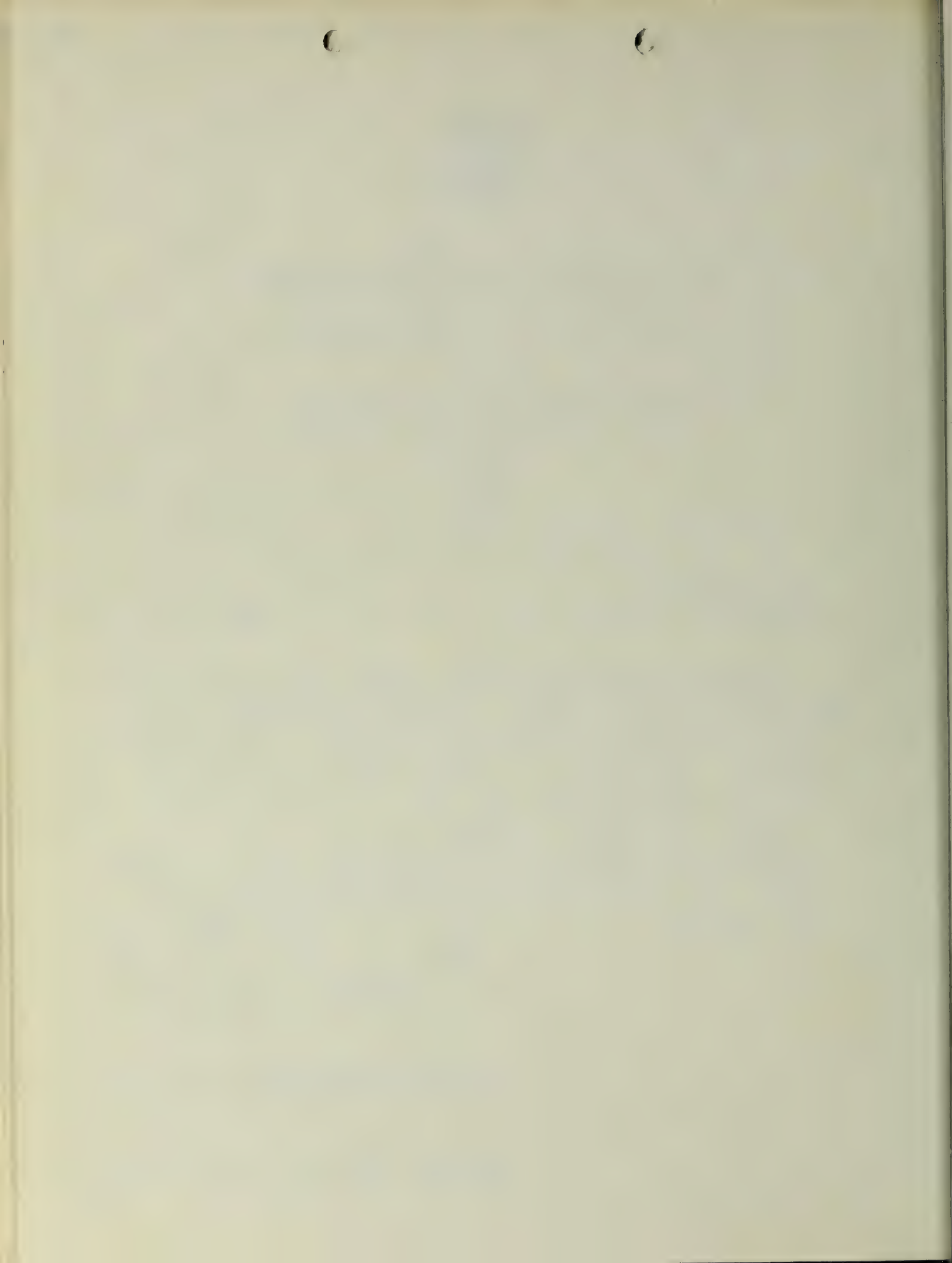
Helaine Knickerbocker, Chairperson

A handwritten signature in cursive script, reading "Alford Dyson".

Alford Dyson, Associate Commissioner

A handwritten signature in cursive script, reading "Selma Gottlieb".

Selma Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 13, 1979

*In the matter of the joint application for arbitration of a controversy between*

TOWN OF PEMBROKE

AND

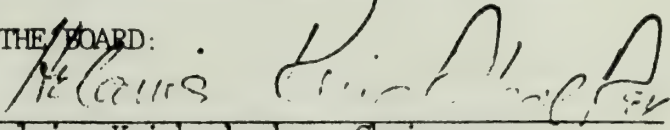
INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS  
LOCAL 405

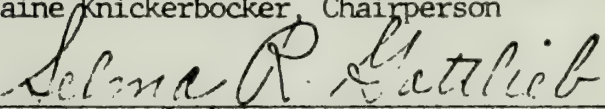
ARB. 17-1978

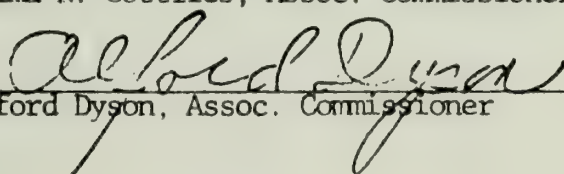
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Town of Pembroke violated Article XIII, Section 1 when it refused to pay Sergeant Doyle at the rate of a lieutenant on the dates he replaced the lieutenant as shift commander. The Town shall pay Sergeant Doyle the difference between a sergeant's and a lieutenant's pay on such dates.

BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Selma R. Gottlieb, Assoc. Commissioner

  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 13, 1979

*In the matter of the joint application for arbitration of a controversy between*

MORTON WAREHOUSE CORPORATION  
AND  
TEAMSTERS LOCAL UNION #49

ARB. 22 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Mr. Young was qualified to run a bail clamp machine so as to qualify for Saturday. He shall be made whole at the overtime rate.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 20, 1979

*In the matter of the joint application for arbitration of a controversy between*

BOSTON FRUIT AND PRODUCE AUCTION COMPANY

and

TEAMSTERS UNION LOCAL NO. 25

Arb. 127-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company is not obligated to pay overtime to stevedores other than on Sundays.

BY THE BOARD:

*Helaine Kni-Kerbocker*  
Helaine Kni-Kerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON February 21, 1979

*In the matter of the joint application for arbitration of a controversy between*

SAUGUS SCHOOL COMMITTEE  
AND  
SAUGUS SCHOOL CLERICAL ASSOCIATION

ARB. 11 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

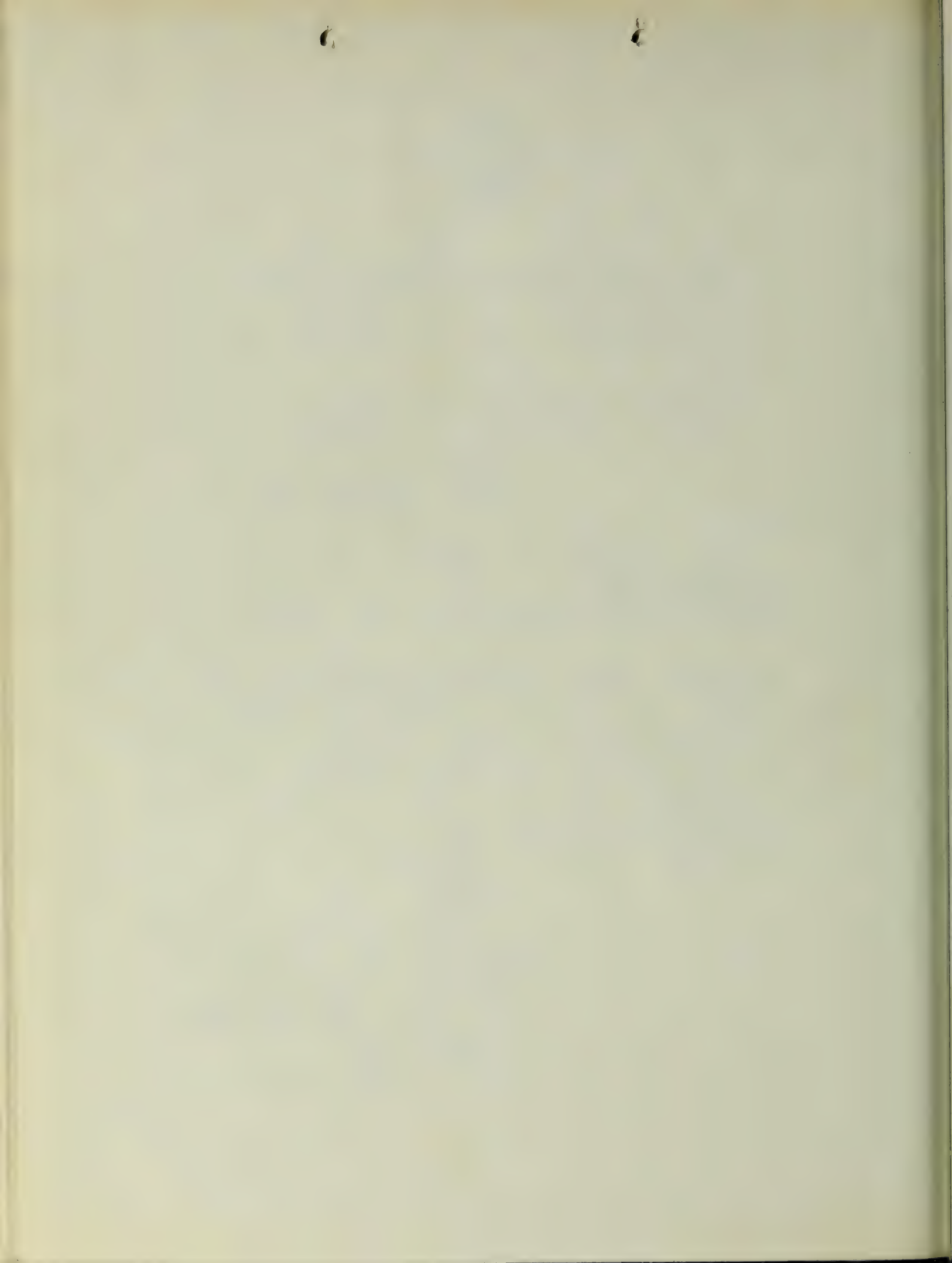
1. The grievance is arbitrable.
2. The School Committee shall increase the salary of Lucille Deslopes in the amount of \$500.00 retroactive to June 26, 1977.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Asst. Commissioner

*Alford Dyson*  
Alford Dyson, Asst. Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

February 21, 1979


*In the matter of the joint application for arbitration of a controversy between*

SPRING ACTION ELECTRIC  
and

INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS  
AFL-CIO LOCAL 273 (ARB. 104-1978)

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant is entitled to one day's pay and the benefits accruing therefrom. In addition, she is to be made whole through February 20, 1978 at which time her sick leave is deemed to have terminated.

  
HELAINÉ KNICKERBOCKER, CHAIRPERSON







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 21, 1979

*In the matter of the joint application for arbitration of a controversy between*

General Sand and Stone Corp.

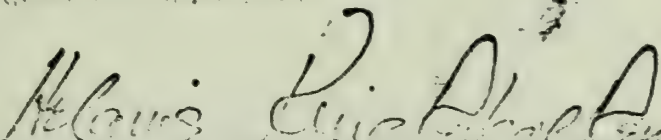
and


Teamsters Local Union No. 404

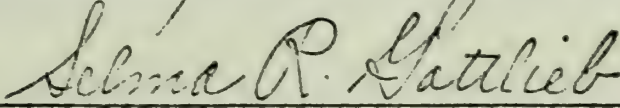
Arb 129-1978

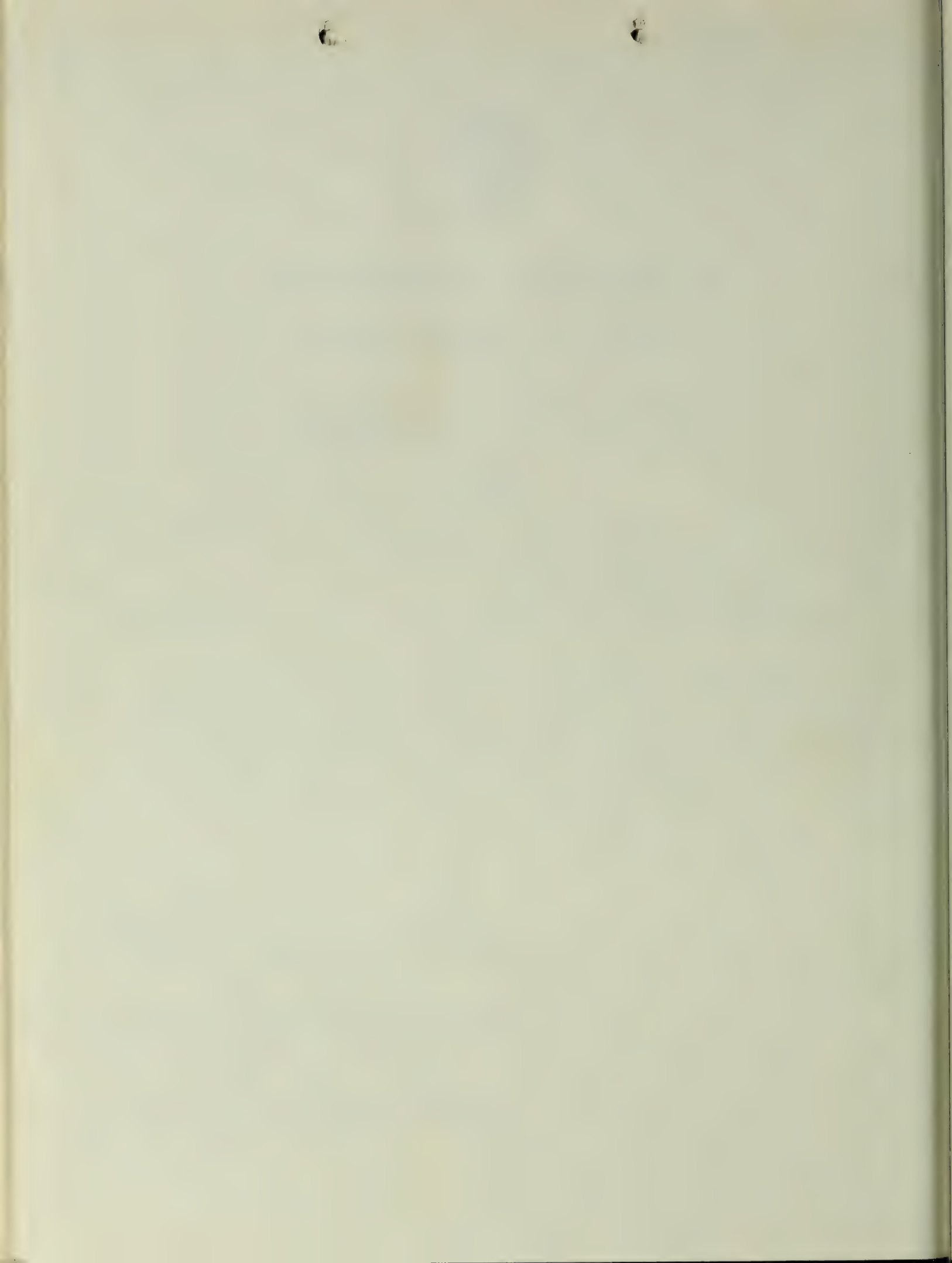
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

Grievance is without merit and is hereby dismissed.

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

February 22, 1979

*In the matter of the joint application for arbitration of a controversy between*

CITY OF WOBURN

AND

LOCAL 313 IBPO

ARB. 87 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit, and it is hereby dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 22, 1979

*In the matter of the joint application for arbitration of a controversy between*

PILGRIM LAUNDRY AND CLEARWATER LAUNDRY

AND

TEAMSTERS UNION LOCAL NO. 25

ARB. 103-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company refused to pay the minimum guarantee for the week of February 6, 1978. We do not award a remedy because under Article II, Section 1 (i) the company is not required to pay for the week.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON February 23, 1979

*In the matter of the joint application for arbitration of a controversy between*


Pathfinder Regional Vocational Technical High School  
and

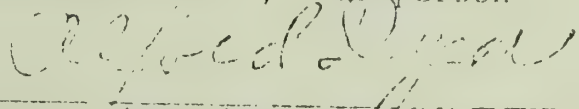
Pathfinder Vocational Technical Educ. Association Arb. 10-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the collective bargaining agreement by the manner in which it failed to re-employ the grievant for the school year 1977-78. He shall be reinstated for an additional year of probation from the beginning of the school year 1977-1978 and shall be made whole less monies received until such time as he is reinstated.

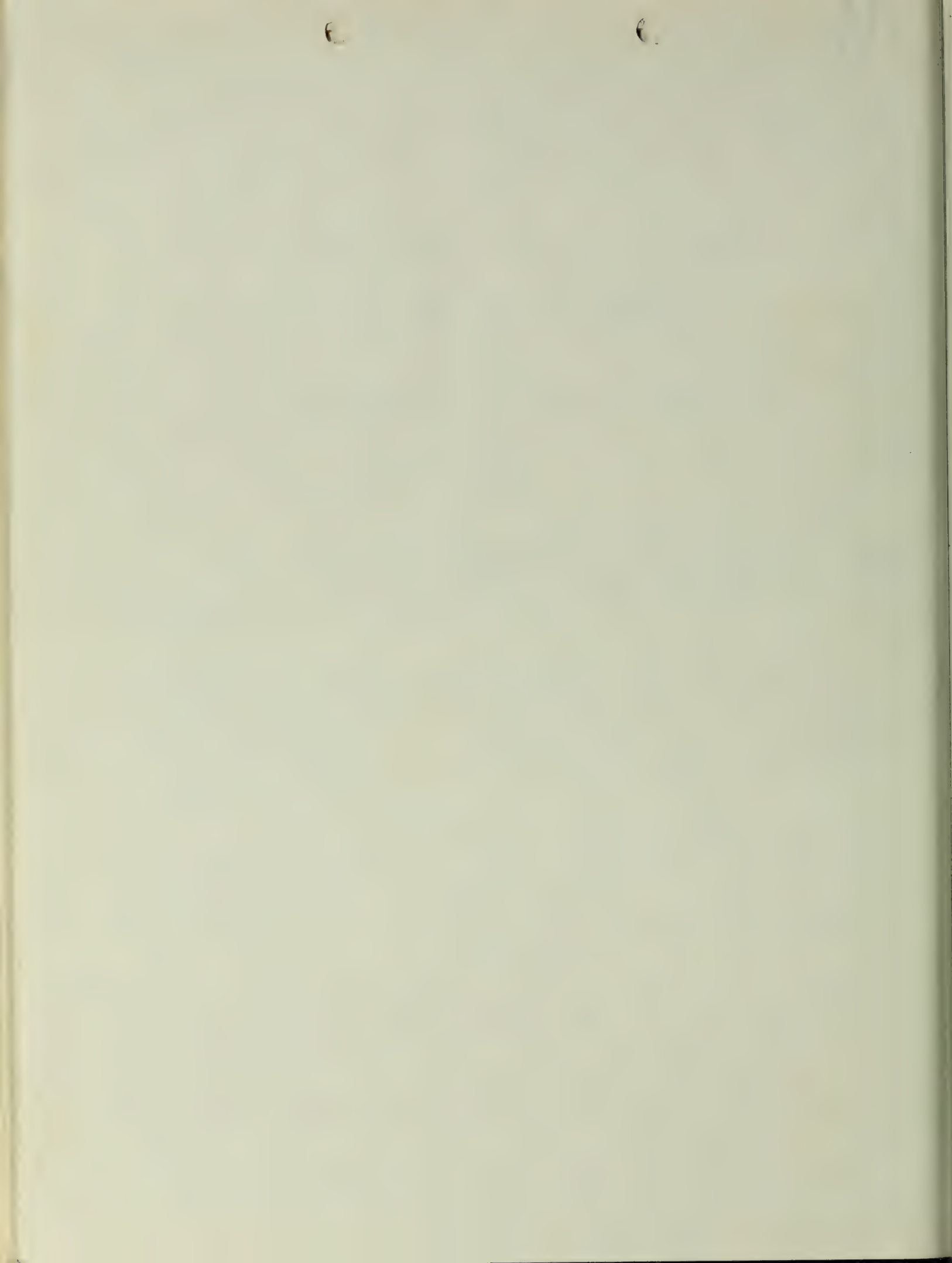
BY THE BOARD:

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Associate Commissioner

\*opinion to follow





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 23, 1979

*In the matter of the joint application for arbitration of a controversy between*

N. Berkshire Voc. Regional School District Committee

and

Charles H. McCann Faculty Association

ARB. 150-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the provisions of the collective bargaining agreement, and specifically Article L-1, after May 1, 1977, through the procedure by which it determined not to reappoint the grievant for her fourth successive year. Either the grievant shall be reinstated for an additional year of probation or the grievant shall receive back pay from the beginning of the school year 1977-78. The School Committee shall elect one of the two remedies. In the event that the School Committee elects the 2nd of the two remedies it is assumed that the School Committee will make such payment forthwith or back pay will run until such time as she is paid. In the event that the School Committee elects the first of the two remedies it is assumed that she will be reinstated forthwith or back pay will run until such time as she is reinstated.

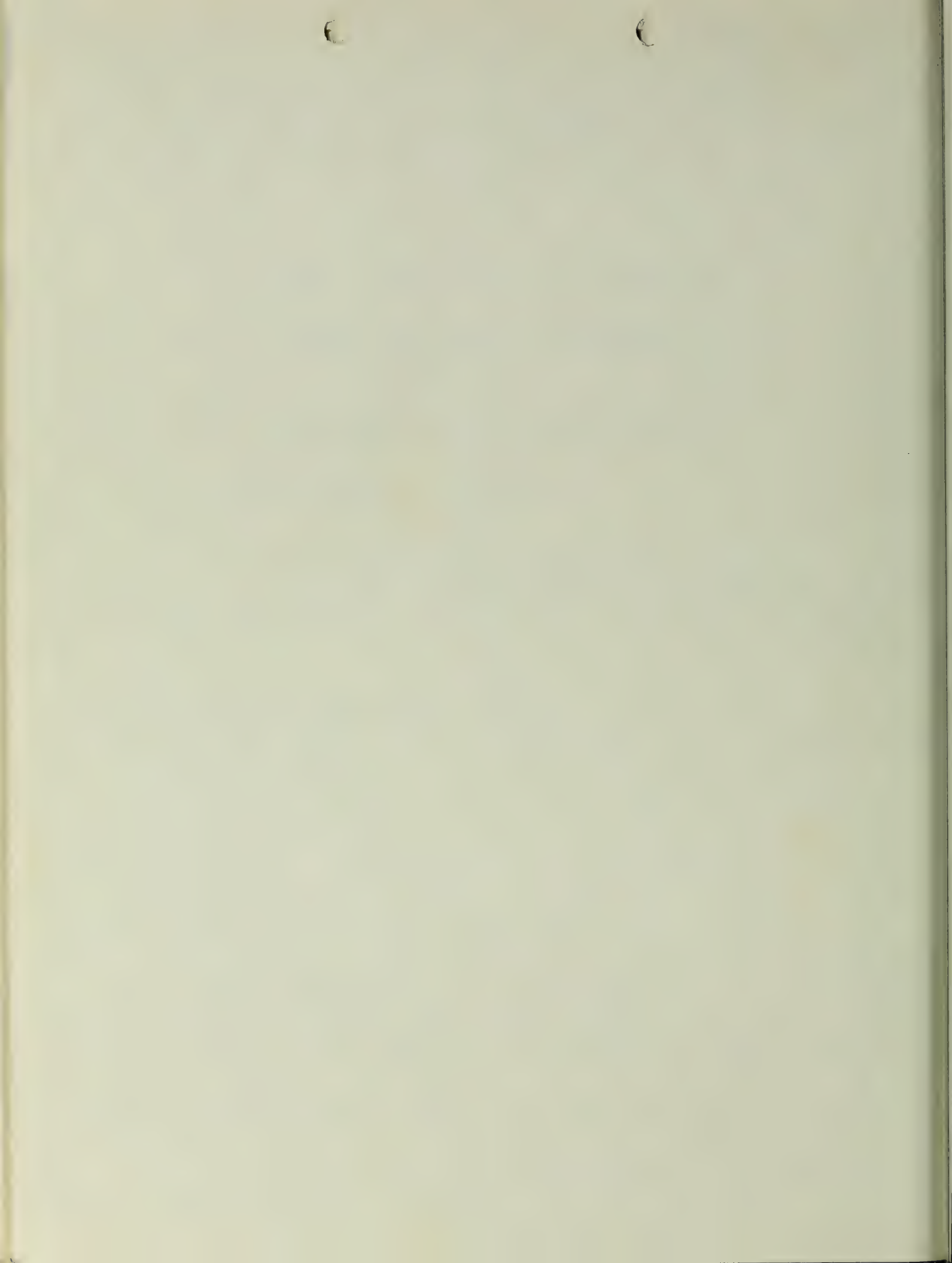
BY THE BOARD:

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Comm.

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

\*opinion to follow







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

#### BOSTON

February 23, 1979

*In the matter of the joint application for arbitration of a controversy between*

General Sand and Stone Corp.

and

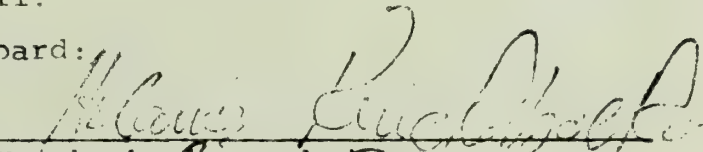
Teamsters Local Union No. 404

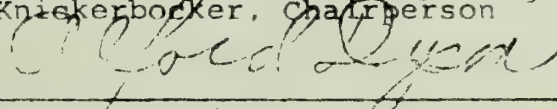
Arb. 1-1979

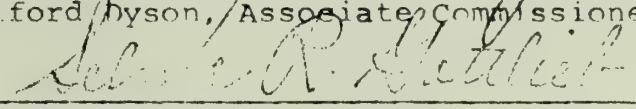
The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards:as follows:

Since the work performed by the grievants is not covered by this agreement under Article II (e) the terms and the provisions of the Heavy and Highway Agreement prevail.

By the Board:

  
Helaine Kniekerbocker, Chairperson

  
Alford Dyson, Associate Commissioner

  
Selma R. Gottlieb, Associate Commissioner







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

February 26, 1979

*In the matter of the joint application for arbitration of a controversy between*

King Philip Regional School  
District Employees Association and

King Philip Regional School Committee

ARB. 133 - 1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments; and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee violated the contract when it hired a custodian to work on a Tuesday through Saturday shift. The Board orders the School Committee to make whole the members of the bargaining unit for money lost for Saturday overtime since March 20, 1978.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

Town of Dracut  
and  
IBPO Local #379

Arb. 130-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

1. The grievance is arbitrable.
2. The town violated the collective bargaining agreement when it failed to compute payments earned under the Career Incentive pay program, into the Police Officer's base pay.

The town shall add to the officers base pay all payments received under the Career Incentive pay program, and shall compute those payments into the base pay in the payment of court time holiday pay and overtime retroactive to January 1, 1975

BY THE BOARD:

*Helaine Knickerbocker*

Helaine Knickerbocker, Commissioner

*Alford Dyson*

Alford Dyson, Associate Commissioner

*Solma R. Gattlieb*

Solma R. Gattlieb, Assoc. Comm.







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*  
Pathfinder Regional Voc. Technical High School  
and  
Pathfinder Voc. Technical Educational Assoc.

ARB. 155-1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments; and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:  
The grievance is not time-barred. The School Committee did not violate the collective bargaining agreement by the manner in which it failed to reemploy the grievant for the school year 1976-1977. \*

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*

Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

\* opinion to follow





The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

Pathfinder Regional Vocational Technical High

and

Pathfinder Vocational Technical Educ. Assoc.

ARB. 156 - 1976

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The School Committee did not violate the collective bargaining agreement by the manner in which it failed to reemploy the grievant for the school year 1976-77.\*

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Selma R. Gottlieb*  
Selma R. Gottlieb, Assoc. Commissioner

*Alford Dyson*  
Alford Dyson, Assoc. Commissioner

\*opinion to follow







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

Danvers School Committee  
and  
Danvers Teachers Association

Arb. 8-1975

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant, Mrs. Anne Tyman, was not reemployed by the Danvers School Committee for the 1974-75 school year as a result of violations of the collective bargaining agreement. The grievant shall be reinstated for one year without tenure and with back pay for the academic years commencing with 1974-75 to date or until reinstated.

BY THE BOARD:

*Helaïne Knickerbocker*  
HELAINE KNICKERBOCKER, COMMISSIONER

*Alfred Dyson*  
ALFRED DYSON, ASSOCIATE COMMISSIONER

*William R. Collette*  
WILLIAM R. COLLETTE, ASST. CLERK

\*contin to follow





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

**BOSTON**

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

UNION PETROLEUM CORPORATION

and

TEAMSTERS UNION LOCAL NO. 25

ARB. 70-1978

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

1. The Company did violate the collective bargaining agreement when it discharged James Delesky. The Company shall reinstate him with back pay and full rights and benefits less monies received, from the date of discharge.
2. The Company did not violate the collective bargaining agreement when it discharged Pasquale Barile. The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Dyson*  
Alford Dyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON**

February 27, 1979

*In the matter of the joint application for arbitration of a controversy between*

**B. F. PERKINS DIVISION OF STANDEX CORPORATION**  
and  
**DALU #23917 AFL-CIO Arb. 100-1978**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments; and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievance is without merit and is dismissed.

BY THE BOARD:

*Helaine Knickerbocker*  
Helaine Knickerbocker, Chairperson

*Alford Oyson*  
Alford Oyson, Associate Commissioner

*Selma R. Gottlieb*  
Selma R. Gottlieb, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 28, 1979

*In the matter of the joint application for arbitration of a controversy between*

Webster School Committee

and

Webster Teachers Association

Arb. 139-1977

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: Grievance is without merit and hereby dismissed. Grievant is entitled to the removal of the March 4 letter from her file. The letter was placed into the file in violation of the contract and must be removed from the file.

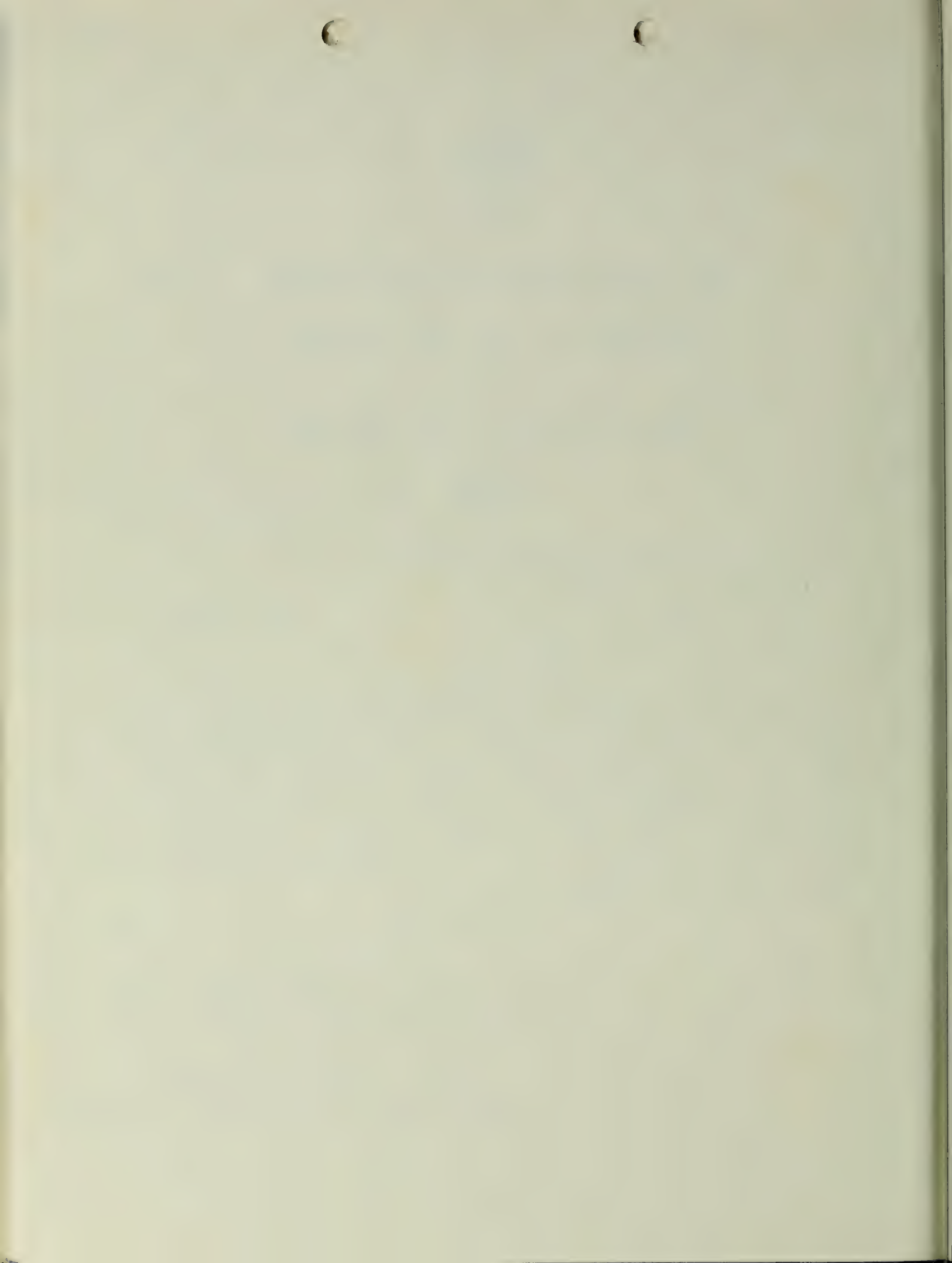
BY THE BOARD:

Handwritten signature of Alford Dyson in cursive script.

Alford Dyson, Associate Commissioner

Handwritten signature of Selma R. Gottlieb in cursive script.

Selma R. Gottlieb, Associate Commissioner





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

February 28, 1979

*In the matter of the joint application for arbitration of a controversy between*

CHICOPEE HOUSING AUTHORITY

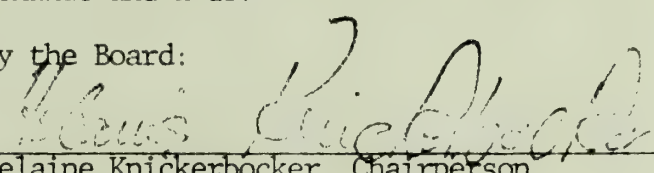
AND

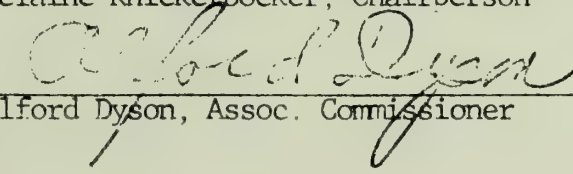
PAINTERS UNION LOCAL #527

ARB. 6, 7, 8, 9-1979

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows: The Housing Authority has violated the agreement when it failed to promote Frank A. Wilk to the position of mechanic and aide on May 10, 1978. Inasmuch as he has since been promoted to mechanic and aide the Housing Authority is directed to pay him the difference in pay that he would have received from May 15, 1978 to the date he was promoted to mechanic and aide.

By the Board:

  
Helaine Knickerbocker, Chairperson

  
Alford Dyson, Assoc. Commissioner

\* opinion to follow







The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES

BOARD OF CONCILIATION AND ARBITRATION

BOSTON May 21, 1979

*In the matter of the joint application for arbitration of a controversy between*

Alden Corrugated Container Corp.

and

United Paperworkers International Union  
AFL-CIO

Arb. 106-1979

Angelo A. Colella,

arbitrator, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company did not violate any article of the agreement for employees temporarily working said jobs. Therefore, the grievance is denied.

On Behalf of the Board:

  
Angelo A. Colella, Arbitrator





# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

6/4/79

*In the matter of the joint application for arbitration of a controversy between*

Milton Bradley Company  
and  
RWDSU, Local 224

Arb. 53-1979

Angelo A. Colella,

Arbitrator, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The grievant was not discharged for just cause.

The grievant is to be reinstated with full back pay minus a one (1) month disciplinary suspension, less any monies earned in the interim. His seniority and any other contractual benefits shall also be returned to him unaffected.

Angelo A. Colella  
Angelo A. Colella, Arbitrator







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

### BOARD OF CONCILIATION AND ARBITRATION

BOSTON

June 20, 1979

*In the matter of the joint application for arbitration of a controversy between*

Berklee College of Music

and

Service Employees International Union

Local 254 - AFL-CIO

Arb. 136-1979

Angelo A. Colella,  
Arbitrator, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

1. The grievant, McCallum, to be paid the rate of \$4.325 retroactive to 2/21/79
2. That the parties in the current negotiations resolve the position and rate of maintenance carpenter and helper classifications.
3. That the grievant would not suffer loss of rate as result of such negotiations i.e., red circle rate.
4. The parties agree that this decision is in accord with the discussions held on this matter and is binding on the parties.

On Behalf of the Board:

*Angelo A. Colella*  
Angelo A. Colella, Arbitrator







**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** June 21, 1979

*In the matter of the joint application for arbitration of a controversy between*

**PILGRIM LAUNDRY - CLEARWATER LAUNDRY**

**and**

**TEAMSTERS LOCAL #25**

**ARB. 70-1979**

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

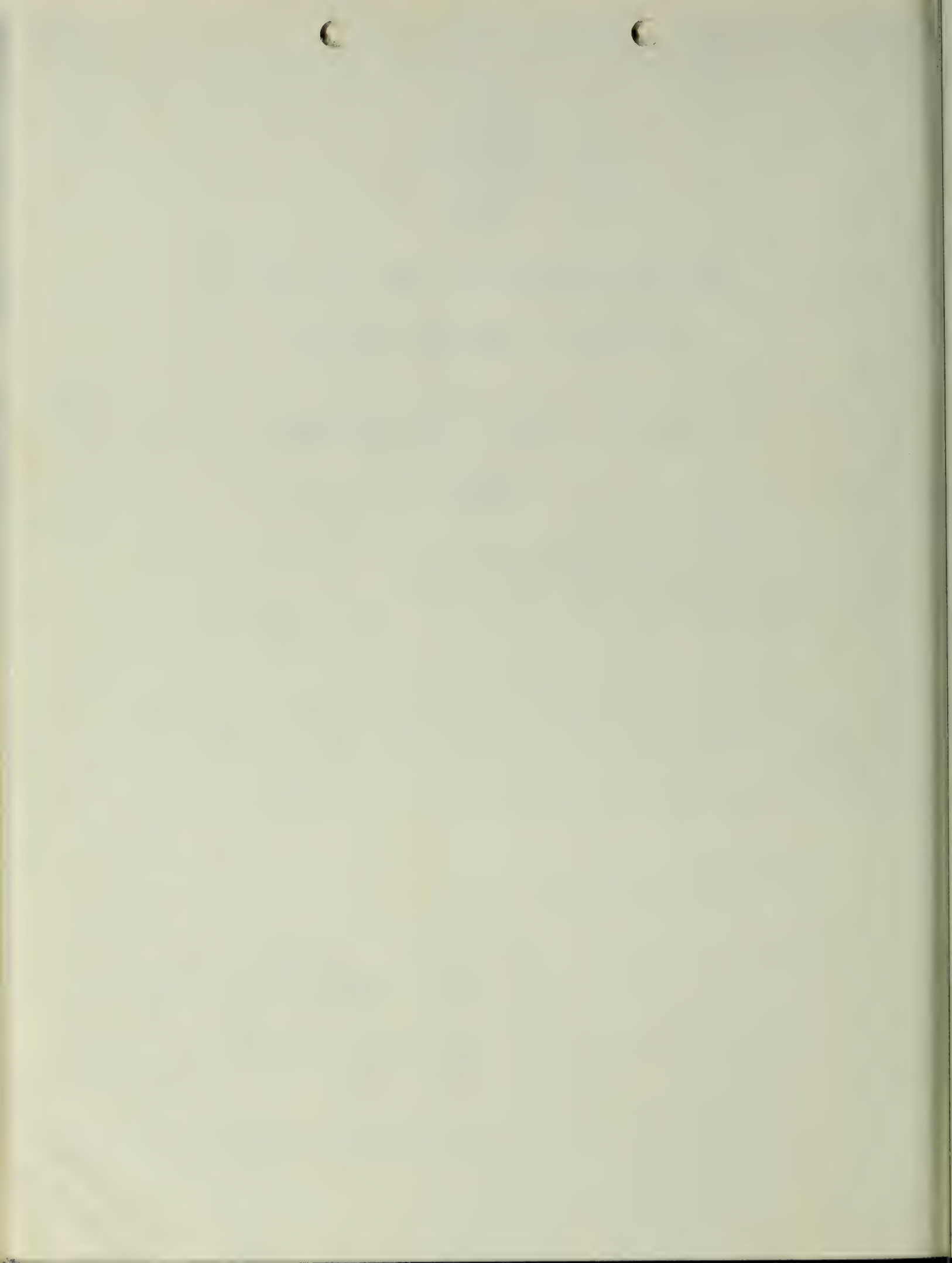
The Board finds that there is just cause for discharge.  
The grievance is denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John F. Buckley*  
John F. Buckley, Associate Commissioner

*Douglas Russell*  
Douglas Russell, Associate Commissioner





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

**BOARD OF CONCILIATION AND ARBITRATION**

**BOSTON** June 22, 1979

*In the matter of the joint application for arbitration of a controversy between*

SUN RAY BAKERY, INC.

and

BAKERY AND SALES DRIVERS AND HELPERS, LOCAL #686 ARB. 161-1979

The Board, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The Company was justified in employing more than four (4) outside distributors.

The Company did not violate Article X §9 of the Collective Bargaining Agreement.

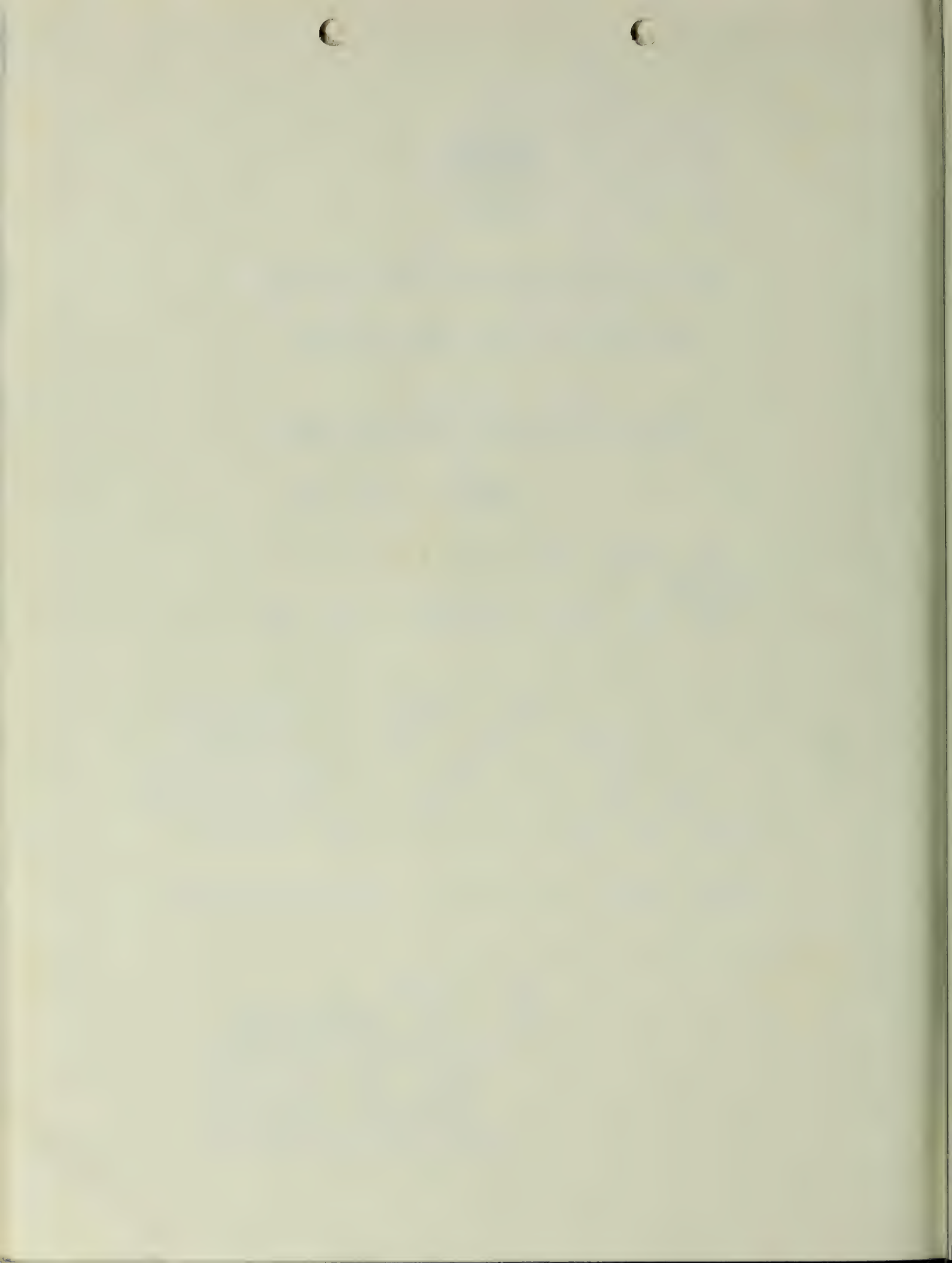
The grievance is denied.

BY THE BOARD:

*Paul J. McCarthy*  
Paul J. McCarthy, Chairman

*John F. Buckley*  
John F. Buckley, Associate Commissioner

*Douglas Russell*  
Douglas Russell, Associate Commissioner







# The Commonwealth of Massachusetts

## DEPARTMENT OF LABOR AND INDUSTRIES

---

### BOARD OF CONCILIATION AND ARBITRATION

---

BOSTON

June 25, 1979

*In the matter of the joint application for arbitration of a controversy between*

Merrimack Paving Corporation

and

Teamsters, Chauffeurs, Warehousemen & Helpers #437

A.152-1978

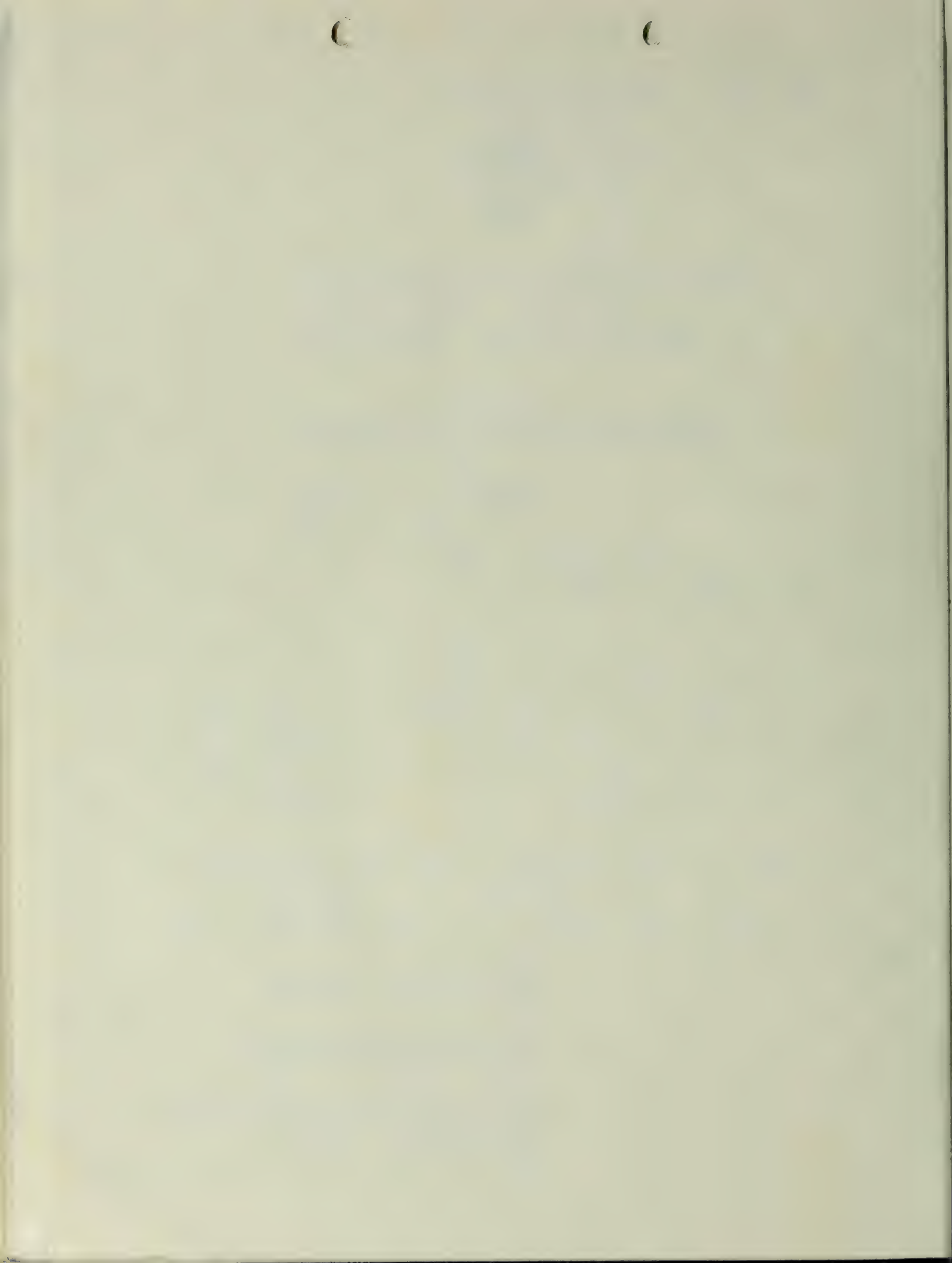
Arbitrator

The ~~Board~~, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

The company did violate Article II Section C and E of the collective bargaining agreement in effect during the period in question. The remedy shall be payment of \$157.00 as payment in full for lost wages and other expenses incurred by Arnold Bird due to the company's breach. Said check to be payable to Mr. Bird.

BY THE ARBITRATOR:

Angelo A. Colella





**The Commonwealth of Massachusetts**

**DEPARTMENT OF LABOR AND INDUSTRIES**

---

**BOARD OF CONCILIATION AND ARBITRATION**

---

**BOSTON**

June 29, 1979

*In the matter of the joint application for arbitration of a controversy between*

**Rohtstein Corporation**

and

**ARB. 86-1979**

**Teamsters Union Local No. 25**

The Arbitrator, having afforded the Employer and the Union full opportunity to present testimony, exhibits and arguments, and to examine and cross-examine witnesses at the hearing, has considered the issue (s) submitted by the parties, and having studied and weighed the evidence bearing on the issue (s), awards as follows:

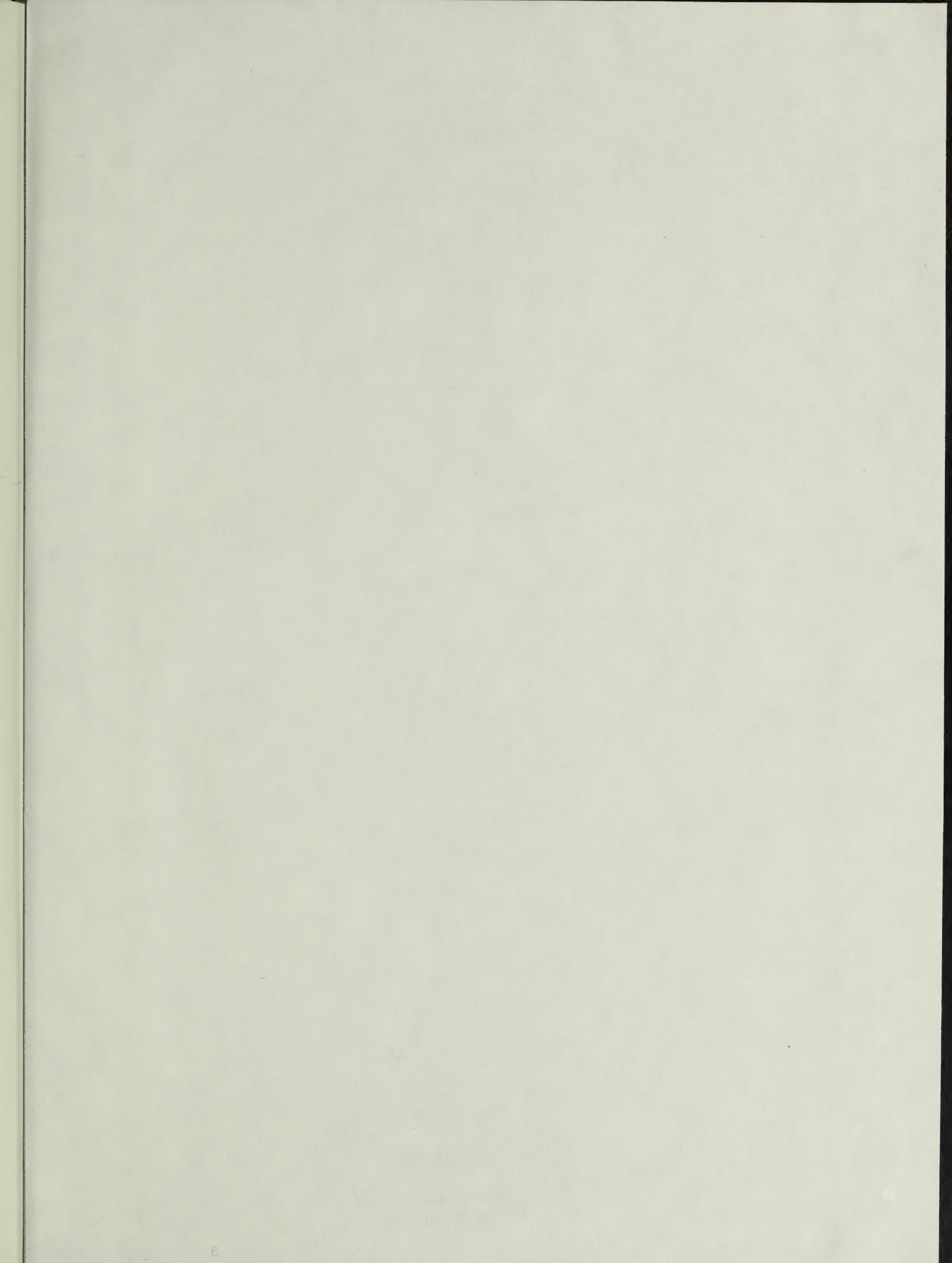
**THE DISCHARGE OF GERALD FERGUSSIN WAS JUSTIFIED.**

**BY THE ARBITRATOR:**

*Elliot Klitzman*

**Elliot Klitzman  
Industrial Relations Adjuster**







ACME  
BOOKBINDING CO., INC.

OCT 28 1990

400 CAMBRIDGE STREET  
CHARLESTOWN, MASS.





